FEDERAL REGISTER

VOLUME 20 NUMBER 190

Washington, Thursday, September 29, 1955

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6323]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JONI GAIL, INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition: Wool Products Labeling Act;* § 13.1325 *Source or origin.* Maker or Seller, Etc.. *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition.* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act. In connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation, or distribution in commerce, of ladies' two-piece weskit and skirt combinations or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool" "reprocessed wool" or "reused wool" as those terms are defined in said Act, misbranding such products by· 1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein; 2. failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner: (a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers; (b) the maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter; (c) the name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939; and 3. failing to affix to each unit or piece of any such wool product combinations a stamp, tag, label or other means of identification showing the required information as provided by Rule 12 of the Rules and Regulations (§ 300.12 of this chapter) promulgated under the Wool Products Labeling Act of 1939; prohibited, subject to the proviso, however, that the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939; and to the further provision that nothing contained in the order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68 (c)) [Cease and desist order, Joni Gail, Inc. et al., New York, N. Y., Docket 6323, August 12, 1955]

In the Matter of Joni Gail, Inc., a Corporation, and Ethel Boroff, Also Known as Ethel Estran, Evelyn Finke and Elvira Torre, Individually and as Officers of Said Corporation; Sue Carson, Inc., a Corporation, and Herman Boroff, Ben Costa, and Paul Weiner, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission which charged respondent Joni Gail, Inc., respondents Ethel Boroff, Evelyn Finke, and Elvira Torre, individually and as officers of said corporation, respondent Sue Carson, Inc., and respondents Herman Boroff, Ben Costa, and Paul Weiner, individually and as officers thereof, with misbranding wool products, including two-piece ladies' weskit and skirt combinations, in violation of the Wool Products Labeling Act of 1939 and the Federal Trade Commission Act; upon a stipulation entered into by respondents Joni

(Continued on p. 7249)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15 cents) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

Gail, Inc., Sue Carson, Inc., and respondents Herman Boroff, Ben Costa, and Paul Weiner, and counsel supporting the complaint, and upon affidavits executed by all of the aforesaid individual respondents, and upon certificate executed by respondent Herman Boroff as secretary of respondent Joni Gail, Inc., from which it appeared that respondents Ethel Boroff, Evelyn Finke, and Elvira Torre were no longer connected with said corporation and that at no time did they participate actively in the management or control thereof.

By the terms of said stipulation, it was provided, among other things, that said stipulating respondents admitted all the jurisdictional allegations in the complaint; that the filing of answers to the complaint was waived; that the inclusion of findings of fact and conclusions of law in the decision disposing of the matter was waived, together with any further procedural steps before the hearing examiner and the Commission to which such respondents might be entitled under the Federal Trade Commission Act or the Rules of Practice of the Commission; that the order to be set forth might be entered in disposition of the proceeding, such order to have the same force and effect as if made after a full hearing, presentation of evidence, and findings and conclusions thereon, such respondents specifically waiving any and all right, power, and privilege to challenge or contest the validity of such order; that the complaint might be used in construing the terms of the order, which might be altered, modified, or set aside in the manner provided by statute for other orders of the Commission; and that the signing of the stipulation was for settlement purposes only and did not constitute an admission by any of such respondents that he or it had violated the law as alleged in the complaint.

Thereafter said hearing examiner made his initial decision in which he set forth the aforesaid matters; his conclusion that the complaint should be dismissed as to respondents Ethel Boroff, Evelyn Finke, and Elvira Torre; and his conclusion that said stipulation, affidavits, and certificate afforded an adequate basis for an appropriate settlement and disposition of the proceeding and his acceptance of said instruments, which he made a part of the record; and in which he made his jurisdictional findings, including his findings as to said stipulating respondents, and his findings that the Commission had jurisdiction of the subject matter of the proceeding and of said respondents, and that the proceeding was in the interest of the public; and in which he issued order, including order to cease and desist as to said stipulating respondents and order of dismissal as to said other respondents.

Thereafter said initial decision, including said order, as announced and decreed by "Decision of the Commission and Order to File Report of Compliance", dated September 7, 1955, became, on August 12, 1955, pursuant to § 3.21 of the Commission's Rules of Practice, the decision of the Commission.

Said order is as follows:

It is ordered, That respondent Joni Gail, Inc., a corporation and its officers, respondent Sue Carson, Inc., a corporation and its officers, and respondents Herman Boroff, Ben Costa and Paul Weiner, individually and as officers of Sue Carson, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of ladies' two piece weskit and skirt combinations or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool," "reprocessed wool" or "reused wool," as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

3. Failing to affix to each unit or piece of any such wool product combinations a stamp, tag, label or other means of identification showing the required information as provided by § 300.12 of this chapter (Rule 12 of the Rules and Regulations) promulgated under the Wool Products Labeling Act of 1939:

Provided, That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of Section 3 of the Wool Products Labeling Act of 1939, *And provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Ethel Boroff, Evelyn Finke and Elvira Torre.

By said "Decision of the Commission" etc., report of compliance was required as follows:

It is ordered, That the respondents Joni Gail, Inc., a corporation, Sue Carson, Inc., a corporation, and Herman Boroff, Ben Costa and Paul Weiner, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 7, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 55-7834; Filed, Sept. 23, 1955; 8:53 a. m.]

PART 181—HANDKERCHIEF INDUSTRY

PART 182—YEAST INDUSTRY

PART 186—CANDY MANUFACTURING INDUSTRY

PART 189—FINE AND WRAPPING PAPER DISTRIBUTING INDUSTRY

PART 194—COCOA AND CHOCOLATE INDUSTRY

PART 195—BEDDING MANUFACTURING AND WHOLESALE DISTRIBUTING INDUSTRY

PART 200—FEATHER AND DOWN PRODUCTS INDUSTRY

PART 219—WATERPROOF PAPER INDUSTRY

PART 225—TOBACCO SMOKING PIPE, AND CIGAR AND CIGARETTE HOLDER, INDUSTRY

INDUSTRY COMMITTEES UNDER TRADE PRACTICE RULES

Whereas, in respect to trade practice rules for certain industries which heretofore have been published in the FEDERAL REGISTER, provision is made for the for-

mation of trade practice committees; and

Whereas, the Commission, on September 15, 1955, adopted a new industry committee rule on the subject and directed that the same supersede all committee provisions appearing in trade practice rules now in effect:

It is ordered, That the following rule supersede all trade practice committee provisions contained in trade practice rules, whether or not heretofore published in the FEDERAL REGISTER, and, specifically, that this rule was published in the FEDERAL REGISTER replace §§ 181.106, 182.103, 186.106, 189.110, 194.101, 195.102, 200.102, 219.101 and the last undesignated paragraph of Part 225 which is hereby designated § 225.103:

§____ *Industry committee under trade practice rules.* The industry may, at its option, form a trade practice committee, which shall be fairly representative of the industry, to cooperate with the Federal Trade Commission in the following respects:

(a) To assist in keeping the rules of the industry active by periodically bringing to the attention of industry members the provisions thereof;

(b) To publicize and disseminate among all members of the industry Commission stipulations, orders, and opinions or administrative interpretations relating to practices covered by the rules;

(c) To meet periodically with Commission personnel for the purpose of discussing the rules, the need for their revision, and the administration thereof, the committee's function in connection with such meetings being informative only, with decisions as to any action to be taken being left solely in the hands of government officials. All such meetings shall be:

(1) Called and chairmaned by a full-time Commission official; and

(2) Limited to a discussion of matters outlined in an agenda prepared by a full-time Commission official.

Full and complete minutes of each such meeting shall be prepared and filed with the Commission.

(d) It is not the function of the committee to:

(1) Interpret the rules;

(2) Attempt to correct alleged rule violations;

(3) Make determinations or express opinions as to whether practices are violative of the rules;

(4) Receive or screen complaints of violations of the rules; or

(5) Perform any other act or acts within the authority of the Federal Trade Commission or any other governmental Agency or Department.

(e) All complaints of industry members and other parties respecting rule violations should be made directly to the Commission. In the event any complaint is received by the committee, or any information is brought to its attention indicating a probable violation of a rule, all relevant information with respect thereto shall be promptly transmitted by the committee to the Commission without the committee contacting the party or parties alleged to have violated the rule.

(f) Immediately after its formation the committee shall inform the Commission of the identity of the members thereof, the names and addresses of the companies or concerns represented by such members, and shall supply the Commission with information showing that the membership of the committee is fairly representative of the industry. Changes in composition of the committee shall be reported to the Commission as soon as they may occur.

(g) Full and complete minutes of all meetings of the committee, identifying the members in attendance and informative of the matters discussed and actions taken, shall be kept. The minutes of the meetings falling under paragraph (c) of this section shall be filed with the Commission, and the minutes of all other meetings shall be kept by the committee and be made available to the Commission on request.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46)

Issued: September 23, 1955.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F. R. Doc. 55-7883; Filed, Sept. 28, 1955; 8:53 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Regs. 54 and 55]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATIONS OF HANDLING

Corrections

In Federal Register Document 55-7626, appearing at page 6993 of the issue for Saturday, September 17, 1955, the issuance date at the end of the document should read "September 16, 1955"

Federal Register Document 55-7809, appearing on page 7164 of the issue for Saturday, September 24, 1955, should carry an issuance date at the end of the document as follows: "Dated: September 23, 1955."

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 53905]

PART 1—CUSTOMS DISTRICTS AND PORTS

CUSTOMS AGENCY DISTRICTS

Section 1.5, Customs Regulations, is amended as follows:

1. The area shown for Customs Agency District No. 7 is amended by deleting therefrom "21 (Sabine) 22 (Galveston) " and by deleting the period at the end thereof and adding " 45 (St. Louis, that part comprising the State of Oklahoma) "

2. The area shown for Customs Agency District No. 9 is amended by inserting after "(St. Louis" a comma and the words "except the State of Oklahoma"

3. The area shown for Customs Agency District No. 10 is amended by inserting at the beginning thereof "21 (Sabine), 22 (Galveston) "

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved. September 23, 1955.

DAVID W KENDALL,
Acting Secretary of the Treasury.

[F R. Doc. 55-7878; Filed, Sept. 28, 1955; 8:52 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[Regs. 43; T. D. 6147]

PART 101—TAXES ON ADMISSIONS, DUES, AND INITIATION FEES

MISCELLANEOUS AMENDMENTS

Regulations 43 (1941 edition) amended to conform to the Excise Tax Reduction Act of 1954.

On June 7, 1955, a notice of proposed rule making regarding amendments to conform Regulations 43 (1941 edition) (26 CFR, Part 101), relating to the excise tax on admissions, dues, and initiation fees, to the Excise Tax Reduction Act of 1954, approved March 31, 1954, was published in the FEDERAL REGISTER (20 F R. 3935) No objections to the rules proposed having been received during the 30-day period prescribed in the notice, the regulations as so published are hereby adopted as set forth below.

(53 Stat. 467; 26 U. S. C. 3791)

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

Approved: September 26, 1955.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

In order to conform Regulations 43 (1941 edition) (26 CFR Part 101), relating to the excise tax on admissions, dues, and initiation fees under Chapter 10 of the Internal Revenue Code of 1939, to the Excise Tax Reduction Act of 1954 (Public Law 324, 83d Cong.), approved March 31, 1954, such regulations are amended as follows:

PARAGRAPH 1. Section 101.0, as amended by Treasury Decision 6007, approved April 15, 1953, is further amended as follows:

(A) By striking out the words "and the Excise Tax Act of 1947" at the end of the first sentence and adding in lieu thereof the following: "the Excise Tax Act of 1947, and sections 201, 202, 203, 504 (a) 505 (c) (1) and (2) and 506 of the Excise Tax Reduction Act of 1954"

(B) By changing the last paragraph of the section to read as follows:

The statutory references are to the Internal Revenue Code of 1939 (53 Stat., Part 1) unless otherwise stated.

PAR. 2. Immediately preceding § 101.1 there is inserted the following:

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 (other than subsection (b) thereof) shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

(1) In the case of any season ticket or subscription; only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954; and

(2) In the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954.

The amendment made by subsection (b) shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

PAR. 3. Section 101.1, as amended by Treasury Decision 6007, is further amended by adding at the end thereof the following new paragraph (e)

(e) The reduction in rates provided by section 201 of the Excise Tax Reduction Act of 1954 is generally effective with respect to amounts paid for admissions on and after April 1, 1954. In the case of a season ticket or subscription the reduction is effective only if all the admissions under the season ticket or subscription can occur only on or after April 1, 1954, and in the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after such date. The reduction with respect to the tax imposed on sales outside the box office is effective only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date. For special provisions relating to payment, credit, or refund of the admissions tax in cases of amounts collected prior to April 1, 1954, at the rate in effect prior to such date, for admissions on or after such date, see § 101.43a.

PAR. 4. Immediately preceding section 1704 of the Internal Revenue Code of 1939, which immediately precedes § 101.2, there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954.

* * * * *

(d) *Single or season tickets and subscriptions.* For reduction in rate of tax on admission by single or season ticket or subscription, see section 504 (a).

(e) *Rate to apply to major fractions.* Section 1700 (a) (1) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by striking out "fraction" and inserting in lieu thereof "major fraction"

(f) *Exemption of admissions of fifty cents or less.* Section 1700 (a) (1) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by striking out the second sentence thereof and inserting in lieu thereof the following: No tax shall be imposed under this paragraph on the amount paid for admission—

(A) If the amount paid for admission is 50 cents or less, or

(B) In the case of a season ticket or subscription, if the amount which would be charged to the holder or subscriber for a single admission is 50 cents or less.

(g) *Admissions to certain race tracks.* (1) Section 1700 (a) (relating to rate of tax on single or season tickets and subscriptions) is hereby amended by adding at the end thereof the following:

(3) *Certain race tracks.* In lieu of the tax imposed under paragraph (1), a tax of 1 cent for each 5 cents or major fraction thereof of the amount paid for admission to any place (including admission by season ticket or subscription) if the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track. The tax imposed under this paragraph shall be paid by the person paying for such admission.

* * * * *

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 * * * shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

(1) In the case of any season ticket or subscription, only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954; * * *

* * * * *

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,"

* * * * *

SEC. 505. EFFECTIVE DATES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) The amendment made by section 504 (a) shall apply—

(1) Insofar as it affects the rate of the tax imposed by section 1700 (a) (1) of the Internal Revenue Code, with respect to amounts paid for admissions on or after April 1, 1954, but, in the case of any season ticket or subscription, only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954;

* * * * *

PAR. 5. Paragraph (g) of § 101.2 (26 CFR 101.2 (g)) as amended by Treasury Decision 5096, approved November 1, 1941, is further amended by striking "50 cents" in the first sentence, and inserting in lieu thereof "75 cents"

PAR. 6. Section 101.4 (26 CFR 101.4), as amended by Treasury Decision 5349, approved March 17, 1944, is further amended as follows:

(A) By striking out the first sentence of paragraph (a) and inserting in lieu thereof the following:

(a) *General rules.* The amount paid for admission to any place, including any amount paid for a season ticket or as a subscription, is subject under section 1700 (a) of the Code, as amended, to tax at the rates set forth in paragraphs (b) and (c) of this section.

(B) By striking out the last two sentences of paragraph (d) and inserting in lieu thereof the following: "Thus, if a combination ticket is issued entitling the holder to admission before April 1, 1954, and to the use of a reserved seat for $1.50, using the rate of tax in effect before April 1, 1954, the tax is 30 cents, and the same amount of tax would be due if separate tickets of admission and for a reserved seat were sold for 75 cents each. In the latter case the tax on the first admission charge of 75 cents is 15 cents and the tax on the additional charge of 75 cents for a reserved seat is 15 cents. The same rule would apply to a combination ticket entitling the holder to admission on or after April 1, 1954, using however, the new rates provided by the Excise Tax Reduction Act of 1954."

(C) By striking out paragraph (f) and inserting new paragraphs (b) and (c) in lieu of the existing paragraphs (b) and (c)

(b) *Admissions before April 1, 1954.* (1) The rate of tax applicable to amounts paid for admission before April 1, 1954, to any place is 1 cent for each 5 cents or major fraction thereof (except that no tax is due on the amount paid for the admission of a child under 12 years of age if the amount paid is less than 10 cents) For special provisions relating to payment, credit, or refund of the admissions tax in cases of amounts collected prior to April 1, 1954, at the rate in effect prior to such date, for admissions on or after such date, see section 101.43a.

(2) The following table sets forth the amount of tax applicable to certain admission charges when the rate of tax is 1 cent for each 5 cents or major fraction thereof.

Admission charges:	Tax
$0.01 to $0.02	$0.00
$0.03 to $0.07	.01
$0.08 to $0.12	.02
$0.13 to $0.17	.03
$0.18 to $0.22	.04
$0.23 to $0.27	.05
$0.28 to $0.32	.06
$0.33 to $0.37	.07
$0.38 to $0.42	.08
$0.43 to $0.47	.09
$0.48 to $0.52	.10

The tax on all other admission charges where the rate of tax is 1 cent for each 5 cents or major fraction thereof shall be computed in a manner corresponding to that set forth in the foregoing table.

(c) *Admissions on or after April 1, 1954*—(1) *Places other than horse or dog race tracks.* Any amount paid for admission on or after April 1, 1954, to any place (other than to a place at which the principal amusement or recreation is horse or dog racing at a race track, for treatment of which see subparagraph (2) of this paragraph) including any amount paid for a season ticket or subscription, is subject to tax at the rate of 1 cent for each 10 cents or major fraction thereof, determined under the following rules:

(i) For the purposes of the regulations in this part, 5 cents is not considered a major fraction of 10 cents.

(ii) If the amount paid for a single admission is 50 cents or less, the amount

so paid is exempt from tax. In the case of a season ticket or subscription, the amount paid therefor is exempt from tax only if the amount which would be charged to the holder or subscriber for each single admission covered by the season ticket or subscription is 50 cents or less. Thus, for example, if A pays $2.50 for a season ticket or subscription which entitles him to admission to 6 performances and if the amount which would be charged A for each single admission to these performances is 50 cents or less, then the entire amount paid for the season ticket or subscription is exempt from tax. However, if A pays $3 for a season ticket or subscription which entitles him to admission to 6 performances and if the amount which would be charged A for each single admission to these performances is more than 50 cents, then the entire amount paid for the season ticket or subscription is taxable. Further, if A pays $3 for a season ticket or subscription which entitles him to admission to 6 performances and if the amount which would be charged A for each single admission to 5 of these performances is 50 cents or less and for a single admission to the sixth performance is more than 50 cents, then the entire amount paid for the season ticket or subscription is taxable.

(iii) The following table sets forth the amount of tax applicable to certain admission charges when the rate of tax is 1 cent for each 10 cents or major fraction thereof:

Admission charges:	*Tax*
$0.01 to $0.50	$0.00
$0.51 to $0.55	05
$0.56 to $0.65	06
$0.66 to $0.75	07
$0.76 to $0.85	08
$0.86 to $0.95	09
$0.96 to $1.05	.10
$1.06 to $1.15	11
$1.16 to $1.25	12

The tax on all other admission charges where the rate of tax is 1 cent for each 10 cents or major fraction thereof shall be computed in a manner corresponding to that set forth in the foregoing table.

(2) *Places at which the principal amusement or recreation is horse or dog racing.* Any amount paid for admission on or after April 1, 1954, to any place including any amount paid for a season ticket or subscription, if the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track, is subject to tax at the rate of 1 cent for each 5 cents or major fraction thereof. For computation of tax at this rate see the table in paragraph (b) of this section.

PAR. 7. Section 101.5, as amended by Treasury Decision 6007, is further amended by striking out the last sentence of paragraph (a) and inserting in lieu thereof the following: "A child under 12 years of age admitted prior to April 1, 1954, for less than 10 cents is not liable for tax. A charge of 50 cents or less for an admission on or after April 1, 1954, to certain places is tax free (see § 101.4 (c) (1))."

PAR. 8. Immediately preceding § 101.7 there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Permanent use or lease of boxes or seats.* Section 1700 (b) (1) (relating to tax on permanent use or lease of boxes or seats) is hereby amended by striking out "11 per centum" and inserting in lieu thereof "10 per centum"

* * * * *

(g) *Admissions to certain race tracks.*

* * * * *

(2) Section 1700 (b) (relating to rate of tax on permanent use or lease of boxes or seats) is hereby amended—

(A) By striking out "paragraph (1) of subsection (a)" and inserting in lieu thereof "paragraph (1) or (3) of subsection (a)"; and

(B) By inserting after "per centum" the following: "(20 per centum if paragraph (3) of subsection (a) would otherwise apply)"

* * * * *

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 * * * shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

* * * * *

(2) In the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954.

* * * * *

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,"

* * * * *

SEC. 505. EFFECTIVE DATES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) The amendment made by section 504 (a) shall apply—

* * * * *

(2) Insofar as it affects the rates of the taxes imposed by subsections (b) * * * of section 1700 of the Internal Revenue Code, as though the rates listed under the heading "Old Rate" in the table in section 1650 of such Code were the rates established by the amendments made by title II of this Act;

* * * * *

PAR. 9. Section 101.8, as amended by Treasury Decision 5349, is further amended as follows:

(A) So much of the section as precedes the examples is amended to read as follows:

§ 101.8 *Basis, rate, and computation of tax*—(a) *General rules.* In the case of a person having the permanent use or a lease for the use of a box or a seat in any opera house or other place of amusement the tax imposed by section 1700 (a) (1) or (3) on "the amount paid for admission to any place" does not apply. Instead, the provisions quoted above impose a tax on the right to the use of the box or seat equivalent to a percentage of the total amount that would be realized by the sale, at the established price, of the right to occupy a similar box or seat for each performance or exhibition during the period for which such box or seat is reserved. For applicable percentage rates of tax, see paragraph (b) of this section. In other words, the tax is based not on the amount, if any, actually paid for the particular box or seat, but on the amount that would be paid, at the established price, for admission to all performances given, not merely those attended, if payments were made for each performance separately. The tax is not on the actual use of the box or seat, but on the most extensive possible use. Note that the rate of the tax here is a percentage rate and is not "1 cent for each 10 cents or major fraction thereof" or "1 cent for each 5 cents or major fraction thereof", as the case may be, as under section 1700 (a) (1) or (3) In the case of a box, if there is no comparable box for the use of which on single occasions admission charges are made, the tax is to be computed by determining the amount for which a single box seat in the same part of the house is sold, multiplying that amount by the number of seats in the box, and calculating the tax at the applicable percentage rate. If there is no box located in a similar position, the tax is to be computed by determining the amount for which a single seat in the same part of the house is sold, multiplying that amount by the number of seats in the box, and calculating the tax accordingly. The following examples (based upon a tax rate of 20 percent) will illustrate the application of the general rules of this section:

(B) By inserting at the end thereof the following new paragraph:

(b) *Rate of tax on permanent use or lease of boxes or seats.* The rates of tax applicable to the permanent use, or lease for the use, of a box or seat in any opera house or other place of amusement, are as follows:

Period of use:	*Rate (percent)*
July 1, 1940, to Mar. 31, 1944, inclusive	11
Apr. 1, 1944, to Mar. 31, 1954, inclusive	20
On or after Apr. 1, 1954:	
(1) Horse and dog race tracks	20
(2) All other places	10

The reduced rate of 10 percent for admission to "all other places" applies only in those cases where all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954, regardless of the time payment is made for the permanent use or lease of the box or seat. For special provisions relating to payment, credit, or refund of the admissions tax in cases where the tax was collected prior to April 1, 1954, at the 20 percent rate and all the performances or exhibitions can occur only on or after April 1, 1954, see § 101.43a.

PAR. 10. Immediately preceding § 101.9 there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(b) *Sales outside box office.* Section 1700 (c) (1) (relating to tax on sales outside box

office) is hereby amended by striking out "11 per centum" and inserting in lieu thereof "10 per centum"

* * * * *

(g) *Admissions to certain race tracks.*

* * * * *

(3) Section 1700 (c) (relating to rate of tax on sales outside box office) is hereby amended—

(A) By striking out "paragraph (1) of subsection (a)" and inserting in lieu thereof "paragraph (1) or (3) of subsection (a)"; and

(B) By inserting after "per centum" the following: "(20 per centum if paragraph (3) of subsection (a) applies)"

* * * * *

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * The amendment made by subsection (b) [201 (b)] shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,"

* * * * *

SEC. 505. EFFECTIVE DATES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) The amendment made by section 504 (a) shall apply—

* * * * *

(2) Insofar as it affects the rates of the taxes imposed by subsections * * * (c) * * * of section 1700 of the Internal Revenue Code, as though the rates listed under the heading "Old Rate" in the table in section 1650 of such Code were the rates established by the amendments made by title II of this Act;

* * * * *

PAR. 11. Section 101.11 (26 CFR 101.11) as amended by Treasury Decision 5349, is further amended as follows:

(A) By inserting immediately preceding the first sentence of paragraph (a) thereof "(a) *General rules:*"

(B) By striking out the second sentence of paragraph (a) and inserting in lieu thereof the following: "The tax is determined by applying the appropriate percentage to the amount by which the selling price exceeds the sum of the regular or established price and the tax thereon (see section 101.4) The appropriate percentages are: 20 percent, with respect to (1) an amount paid before April 1, 1954, for admission at any time, (2) an amount paid after March 31, 1954, for admission before April 1, 1954, (3) an amount paid on or after April 1, 1954, for admission on or after such date to a place if the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track; 10 percent, with respect to an amount paid on or after April 1, 1954, for admission on or after such date to any place of amusement other than a place where the principal amusement or recreation offered with respect to such admission is horse or dog racing at a race track."

(C) By changing paragraph (b) thereof to read as follows:

(b) In determining the amount of the excess charge, the amount of any tax imposed under section 1700 (a) (1) or (3) is always added to the regular or established price and the sum so obtained is subtracted from the selling price. The remainder represents the excess charge, and the applicable percentage rate of tax applies to that amount. Thus, by way of illustration, if a ticket broker sells for $6.00 a ticket or card of admission to a theater the regular or established price of which is $4.00, plus the applicable admission tax (80 cents or 40 cents, as the case may be), the excess charge and the tax due thereon are determined as follows:

	Sale by broker before Apr. 1, 1954	Sale by broker on or after Apr. 1, 1954, for admissions on or after such date
Established price	$4.00	$4.00
Admission tax (1 cent for each 5 cents)	.80	
Admission tax (1 cent for each 10 cents)		.40
Total	4.80	4.40
Sale price	6.00	6.00
Difference, representing taxable excess charge	1.20	1.60
Tax due at 20 percent	.24	
Tax due at 10 percent		.16

(D) By inserting "or (3)" immediately following "1700 (a) (1)" at the end of the first sentence of paragraph (f)

(E) By inserting immediately following paragraph (f) and immediately preceding the first example, the following new paragraph (g)

(g) The following examples (based upon a tax rate of 20 percent of the excess charge) will illustrate the application of this section:

PAR. 12. Section 101.12, as amended by Treasury Decision 5349, is further amended by inserting after the words "40 cents" in the parenthetical phrase of the first sentence of the example the following: " based on the rate of 1 cent for each 5 cents or major fraction thereof", and by adding at the end of the example the following new sentence: "If in this example the broker resold the ticket on or after April 1, 1954, his liability for the tax on the excess charge over the established price would be 5 cents (that is, 10 percent of the 50 cents excess) "

PAR. 13. Immediately preceding § 101.13 there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) *Cabarets, roof gardens, etc.* The first sentence of section 1700 (c) (1) (relating to tax on cabarets, roof gardens, etc.) is hereby amended to read as follows: "A tax equivalent to 20 per centum of all amounts paid for admission, refreshment, service, or merchandise, at any roof garden, cabaret, or other similar place furnishing a public performance for profit, by or for any patron or guest who is entitled to be present during any portion of such performance."

* * * * *

(g) *Admissions to certain race tracks.*

* * * * *

(4) The last sentence of section 1700 (c) (1) (relating to tax on cabarets, roof gardens, etc.) is hereby amended by striking out "subsection (a) (1)" and inserting in lieu thereof "paragraph (1) or (3) of subsection (a)"

* * * * *

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 * * * shall apply only with respect to amounts paid for admissions on or after April 1, 1954 * * *

* * * * *

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,"

* * * * *

SEC. 505. EFFECTIVE DATES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(c) The amendment made by section 504 (a) shall apply—

* * * * *

(2) Insofar as it affects the rates of the taxes imposed by subsections * * * (c) of section 1700 of the Internal Revenue Code, as though the rates listed under the heading "Old Rate" in the table in section 1650 of such Code were the rates established by the amendments made by title II of this act;

* * * * *

PAR. 14. Section 101.13, as amended by Treasury Decision 5385, approved June 30, 1944, is further amended by inserting in paragraph (h) "or (3)" immediately following "(a) (1) "

PAR. 15. Immediately preceding § 101.15 there is inserted the following:

SEC. 201. TAX ON ADMISSIONS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

* * * * *

(h) *Certain athletic games for benefit of hospitals for crippled children.* Section 1701 (a) (2) (relating to nonexempt admissions) is hereby amended by striking out "between two elementary or secondary schools" and inserting in lieu thereof the following: "between teams composed of students from elementary or secondary schools"

(i) *Exemption of school or college athletic events.* Section 1701 (a) (2) (relating to nonexempt admissions) is hereby amended by adding at the end thereof the following new sentence: "Clauses (A) and (B) shall not apply in the case of any athletic event between educational institutions held during the regular athletic season for such event, if the proceeds therefrom inure exclusively to the benefit of such institutions."

(j) *Historic sites, museums, and planetariums.* Section 1701 (e) (2) (relating to exemption from admissions tax of historic sites) is hereby amended to read as follows:

(2) *Historic Sites, Museums, and Planetariums.* Any admission to an historic site, house, or shrine, to a museum of history, art, or science, to a planetarium, or to any exhibition in connection with any of the foregoing, operated—

(A) By any State or political subdivision thereof or by the United States or any agency or instrumentality thereof—if the proceeds therefrom inure exclusively to the benefit of the State, political subdivision, United States, agency, or instrumentality, or

(B) By any society or organization not organized for profit—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

For purposes of subparagraph (A), the term "State" includes Alaska, Hawaii, and the District of Columbia.

(k) *Certain amateur theater performances.* Section 1701 (relating to exemptions from the admissions tax) is hereby amended—

(1) By striking out the period at the end of subsection (e) and inserting in lieu thereof "; or"; and

(2) By adding at the end thereof a new subsection as follows:

(f) *Certain amateur theater performances.* Any admission to an amateur performance presented and performed by a civic or community theater group or organization—if no part of the net earnings thereof inures to the benefit of any private stockholder or individual.

SEC. 203. EFFECTIVE DATE OF TITLE II [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

The amendments made by section 201 (other than subsection (b) thereof) shall apply only with respect to amounts paid for admissions on or after April 1, 1954. In addition, such amendments shall apply—

(1) In the case of any season ticket or subscription, only if all the admissions under such ticket or subscription can occur only on or after April 1, 1954; and

(2) In the case of the permanent use of a box or seat or a lease for the use of such box or seat, only if all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder can occur only on or after April 1, 1954.

The amendment made by subsection (b) shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

PAR. 16. Section 101.15, as amended by Treasury Decision 6007, is further amended as follows:

(A) By amending paragraph (c) to read as follows:

(c) *Nonexempt admissions.* The exemptions provided by section 1701 (a) (1) in the case of events held for the benefit of the organizations specified therein (paragraph (b) (2) through (8) of this section) do not apply with respect to admissions to:

(1) *Athletic games or exhibitions*—(i) *Prior to April 1, 1954.* Any athletic game or exhibition held before April 1, 1954, unless the proceeds inure exclusively to the benefit of an elementary or secondary school; or unless, in the case of an athletic game between two elementary or secondary schools, the entire gross proceeds from such game inure to the benefit of a hospital for crippled children. (See paragraph (d) (6) (i) of this section.)

(ii) *On and after April 1, 1954.* Except as provided in paragraph (f) any athletic game or exhibition held on or after April 1, 1954, unless—

(*a*) The proceeds inure exclusively to the benefit of an elementary or secondary school; or

(*b*) In the case of an athletic game between two teams composed of students from elementary or secondary schools, the entire gross proceeds from such game inure to the benefit of a hospital for crippled children; or

(*c*) In the case of any athletic game or exhibition between educational institutions held during the regular athletic season for such event, the proceeds from such game or exhibition insure exclusively to the benefit of such participating institutions. Admissions to any athletic game or exhibition between educational institutions held other than during the regular season schedule for such athletic activity, such as a postseason game or exhibition, is not exempt from tax under this subdivision. (See paragraph (d) (6) (ii) of this section.)

(2) *Wrestling matches, prize fights, etc.*—(i) *Prior to April 1, 1954.* Any wrestling match, prize fight, or boxing, sparring, or other pugilistic match or exhibition, held before April 1, 1954, irrespective of the status of the participants, the character of the organization sponsoring the event, or to whom the admission proceeds are payable.

(ii) *On and after April 1, 1954.* Except as provided in paragraph (f) any wrestling match, prize fight, or boxing, sparring, or other pugilistic match or exhibition, held on or after April 1, 1954, irrespective of the status of the participants, the character of the organization sponsoring the event, or to whom the admission proceeds are payable, except that such event held between educational institutions during the regular athletic season for such event shall be exempt from tax if the proceeds therefrom inure exclusively to the benefit of the participating institutions. This exemption shall not apply to any such event held other than during the regular season schedule for such athletic activity. See paragraph (d) (7) of this section.

(3) *Carnivals, rodeos, or circuses.* Any carnival, rodeo, or circus in which any professional performer or operator participates for compensation. It is immaterial whether the professional performer or operator is paid for his services from the admission proceeds or from some other source.

(4) *Motion picture exhibitions.* Any motion picture exhibition.

(B) By amending paragraph (d) (5) to read as follows:

(5) *Historic sites, etc.*—(i) *Prior to April 1, 1954.* Admissions prior to April 1, 1954, to historic sites, houses, and shrines, and museums conducted in connection therewith, maintained and operated by a society or organization devoted to the preservation and maintenance of such historic sites, houses, shrines, and museums are exempt from tax, if no part of the net earnings thereof inures to the benefit of any private stockholder or individual. This exemption applies regardless of the disposition made of the proceeds from the admissions. Historic museums not maintained in connection with historic sites, houses, or shrines are not entitled to exemption with respect to admissions thereto.

(ii) *On and after April 1, 1954.* Except as provided in paragraph (f) of this section, admissions on or after April 1, 1954, to an historic site, house, or shrine, to a museum of history, art, or science, or to a planetarium, or to any exhibition in connection with any of the foregoing, is exempt from tax if:

(*a*) Operated by any State (including Alaska, Hawaii, and the District of Columbia) or any political subdivision thereof, or by the United States or any of its agencies or instrumentalities, provided that the proceeds derived therefrom inure to the benefit of such State, political subdivision, the United States, or its agency or instrumentality, or

(*b*) Operated by any society or organization not organized for profit provided that no part of the net earnings thereof inure to the benefit of any private stockholder or individual.

(C) By amending paragraph (d) (6) to read as follows:

(6) *Athletic events*—(i) *Prior to April 1, 1954.* Admissions to any athletic game or exhibition held before April 1, 1954, the proceeds of which inure exclusively to the benefit of an elementary or secondary school are exempt from tax. Admissions to any athletic game or exhibition held before April 1, 1954, between two elementary or secondary schools are exempt from tax, if the entire gross proceeds from such game inure to the benefit of a hospital for crippled children. For purposes of this exemption, the term "secondary school" includes any high school, or the equivalent thereof, through grade twelve.

(ii) *On and after April 1, 1954.* Except as provided in paragraph (f), admissions to—

(*a*) Any athletic game or exhibition held on or after April 1, 1954, the proceeds of which inure exclusively to the benefit of an elementary or secondary school, or

(*b*) Any athletic event or exhibition held on or after April 1, 1954, between teams composed of students from elementary or secondary schools, if the entire gross proceeds from such game inure to the benefit of a hospital for crippled children, or

(*c*) Any athletic event or exhibition between educational institutions held on or after April 1, 1954, and during the regular season schedule for that particular type of athletic activity, if the proceeds from such event inure exclusively to the benefit of the participating institutions,

are exempt from tax. For purposes of this exemption, the term "secondary school" includes any high school or the equivalent thereof through grade twelve.

(D) By adding at the end of paragraph (d) the following new subparagraphs (7) and (8)

(7) *Wrestling matches, prize fights, etc.* Except as provided in paragraph (f) of this section, admissions to any wrestling match, prize fight, or boxing, sparring, or other pugilistic match or exhibition between educational institutions held on or after April 1, 1954, and during the regular season schedule for that particular type of athletic activity are exempt from tax, if the proceeds from such event inure exclusively to the benefit of the participating institutions.

(8) *Amateur theater performances.* Except as provided in paragraph (f) of this section, admissions on or after April

1, 1954, to any amateur theater performance presented and performed by a civic or community group or organization devoted to the presentation of amateur theatricals are exempt from tax, if no part of the net earnings of such group or organization inures to the benefit of any individual or private stockholder. Within the meaning of this section, an amateur theater performance occurs when none of the performers having a part therein receive any compensation for their participation.

(E) By redesignating paragraph (f) thereof as paragraph (g)

(F) By adding after paragraph (e) the following new paragraph (f)

(f) *Effective date of certain exemptions under the Excise Tax Reduction Act of 1954 in the case of season tickets, etc.* The exemptions added to section 1701 by subsections (h) (i) (j) and (k) of section 201 of the Excise Tax Reduction Act of 1954 shall apply, in the case of a season ticket, subscription, permanent use of a box or seat, or lease for the use of such box or seat, only if all the admissions under such ticket or subscription, or all the performances or exhibitions at which the box or seat is used or reserved by or for the lessee or holder, can occur only on or after April 1, 1954. In the case of sales outside the box office, such exemptions shall apply only with respect to amounts paid on or after April 1, 1954, for admissions on or after such date.

PAR. 17. Section 101.18, as amended by Treasury Decision 5611, approved March 16, 1948, is further amended as follows:

(A) By changing the first table in example (1) to read as follows:

Established price	$1.00
Tax paid	.10
Total	1.10

(B) By changing the second table appearing in example (1) to read as follows:

Sold by
John Jones
27 West St., New York City

Sale price	$1.50
Tax paid	.10
Total sale price	1.60

(C) By changing the table appearing in example (2) to read as follows:

Sold by
Geo. Nelson
505 West 122 St., New York City

Sale price	$2.00
Tax paid	.10
Total sale price	2.10

PAR. 18. Section 101.21, as amended by Treasury Decision 5349, is further amended to read as follows:

§ 101.21 *Signs to be posted.* In the case of every place, admission to which is subject to tax, the proprietor or manager must keep conspicuously posted at the outer entrance and near the box office one or more signs accurately stating each of the prices of admission, and in the case of each such price the tax due and the sum total of the admission price and the tax.

Example. The following is an example of such a sign for use on and after April 1, 1954:

	Admission	Tax	Total
Box seats	$4.00	$0.40	$4.40
Orchestra	3.50	.35	3.85
Mezzanine	2.50	.25	2.75
Balcony	2.00	.20	2.20
Gallery (except last 4 rows)	1.00	.10	1.10
Gallery (last 4 rows)	.50	None	.50

PAR. 19. Immediately preceding § 101.22 there is inserted the following:

SEC. 202. TAX ON DUES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Dues or membership fees.* Section 1710 (a) (1) (relating to tax on dues or membership fees) is hereby amended by striking out "11 per centum" and inserting in lieu thereof "20 per centum"

(b) *Initiation fees.* Section 1710 (a) (2) (relating to tax on initiation fees) is hereby amended by striking out "11 per centum" and inserting in lieu thereof "20 per centum"

SEC. 504. TECHNICAL AMENDMENTS [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

(a) *Termination of tax rates under section 1650.* Section 1650 (relating to war tax rates of certain miscellaneous taxes) is hereby amended by inserting after "beginning with the effective date of title III of the Revenue Act of 1943" the following: "and ending March 31, 1954,"

* * * * *

PAR. 20. Section 101.31 is amended by adding at the end of paragraph (d) thereof the following new sentence: "For special provisions relating to payment of the admissions tax collected prior to April 1, 1954, at the rate in effect prior to such date, for admissions on or after such date, see § 101.43a."

PAR. 21. Immediately preceding § 101.41 there is inserted the following:

SEC. 506. SPECIAL CREDIT OR REFUND OF * * * ADMISSIONS TAXES [EXCISE TAX REDUCTION ACT OF 1954, APPROVED MARCH 31, 1954].

Notwithstanding any other provision of law, in any case in which tax has been collected prior to April 1, 1954, at the rate in effect (without regard to the amendments made by this Act) prior to April 1, 1954, * * * for admissions (referred to in section 201, other than subsections (b), (c), and (g) thereof, of this Act) on or after April 1, 1954, the person who collected the tax shall pay the same over to the United States; but credit or refund (without interest) of the tax collected in excess of that applicable (by reason of the amendments made by this Act) on or after April 1, 1954, shall be allowed to the person who collected the tax as if such credit or refund were a credit or refund under the applicable provision of the Internal Revenue Code, but only to the extent that, * * * prior to the event to which the right to admission relates, he has repaid the amount of such excess to the person from whom he collected the tax, or has obtained the consent of such person to the allowance of the credit or refund. * * *

PAR. 22. Immediately following § 101.43 there is inserted the following new § 101.43a:

§ 101.43a *Special provisions relating to payment, credit, and refund under section 506 of the Excise Tax Reduction Act of 1954*—(a) *Requirement to pay over tax collected at the old rate.* Section 506 of the Excise Tax Reduction Act of 1954 requires every person to pay over to the United States any tax on admissions referred to in section 1700 (a) (1) or (b) collected by him prior to April 1, 1954, at the rate in effect prior to such date, for admissions on or after such date. See paragraph (b) of this section for rules relating to the credit or refund of the excess collection of such taxes.

(b) *Credit or refund*—(1) *In general.* Section 506 of the Excise Tax Reduction Act of 1954 provides that a credit or refund shall be allowed (as if such credit or refund were a credit or refund under the applicable provisions of the Internal Revenue Code) to any person who, prior to April 1, 1954, collected any tax on admissions referred to in section 1700 (a) (1) or (b) at the rate in effect prior to such date, for admissions on or after such date.

(2) *Amount.* The amount to be credited or refunded is the excess of the tax collected at the rate in effect prior to April 1, 1954, over the tax at the rate in effect on and after such date. A claim for refund may be filed on Form 843 for the amount of such excess, or credit for such amount may be taken against the tax shown to be due on a subsequent return. The claim for refund should be filed with the district director for the internal revenue district in which the amount claimed was paid.

(3) *Conditions precedent.* The credit or refund will be allowed only if all the following conditions are met:

(i) The tax has been collected at the rate in effect prior to April 1, 1954;

(ii) Such tax actually has been paid over to the United States by the person claiming the credit or refund; and

(iii) Prior to the event to which the right to admission relates, such person either has repaid the amount of such excess to the person from whom he collected the tax or has obtained the written consent of such person to the allowance of the credit or refund of such amount.

(4) *Evidence required.* In order to obtain a credit or refund under section 506 of the Excise Tax Reduction Act of 1954 and this section, the claimant must have satisfactory evidence to substantiate his right to such credit or refund, such as a signed, dated statement from the ticket purchaser showing his name and address and the fact that such purchaser has obtained a refund of the excess tax or has consented to the allowance of the credit or refund of such excess tax to the claimant.

(5) *Interest.* No interest shall be allowed with respect to any amount of tax refunded or credited under the provisions of this section.

[P. R. Doc. 55-7873; Filed, Sept. 28, 1955; 8:52 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

Subchapter G—Personnel

PART 888—STANDARDS OF CONDUCT RELATING TO CONFLICT BETWEEN PRIVATE INTERESTS AND OFFICIAL DUTIES

MISCELLANEOUS AMENDMENTS

Paragraph (b) in § 888.1, paragraph (c) in § 888.2 are revised and new §§ 888.8, 888.9, and 888.10 are added to Part 888 as follows:

§ 888.1 *General.* * * *

(b) In any case where Air Force personnel have any financial interest in any business entity, or have arranged or are negotiating for their subsequent employment by such entity, they are disqualified from representing the Air Force in dealings of any kind with such entity. Personnel charged with the administration of §§ 804.201 to 804.205, who own stock in or are officers of an insurance company, must scrupulously avoid negotiating with such company in respect to granting authorization to solicit sales. The same restriction will apply in the case of personnel having a financial interest in any other business enterprise which deals with Air Force personnel on an individual basis.

* * * * *

§ 888.2 *Statutory provisions.* * * *

(c) *Statutory provisions specifically applying to retired regular officers.* Retired officers are "officers of the United States" for the purpose of bringing them within the statutes cited in paragraph (a) of this section,[2] with the exception of section 281, Title 18, United States code (sec. 1, 62 Stat. 697 as amended 18 U. S. C. 281) which exempts retired officers not on active duty from its application, provided that they may not represent any person in the sale of anything to the Government through the department in whose service they hold a retired status; and section 283, Title 18, United States Code (sec 1, 62 Stat. 697 as amended 18 U. S. C. 283) which exempts retired officers not on active duty from its application, provided that they may not prosecute a claim against the Government, within 2 years after their retirement, involving the department in which they hold retired status, or prosecute a claim involving matters with which they were directly connected while on active duty. Section 1309, act August 7, 1953, (67 Stat. 437· 5 U. S. C. 59c) prohibits payment from appropriated funds to any officer on the retired list of the Regular Air Force for a period of 2 years after his retirement, who for himself or for others is engaged in the selling of or contracting for the sale of or negotiating for the sale of any supplies or war materials to any agency of the Department of Defense, the Coast Guard, the Coast and Geodetic Survey, or the Public Health Service.

* * * * *

§ 888.8 *Prohibition of contributions or presents to superiors.* No officer, clerk, or employee in the United States Government employ shall at any time solicit contributions from other officers, clerks, or employees in the Government service for a gift or present to those in a superior official position, nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ. (R. S. 1784, 5 U. S. C. 113)

§ 888.9 *Use of military titles in connection with commercial enterprises.* (a) Regular personnel, retired and Reserve component personnel on extended active duty, officer and enlisted, shall be prohibited from using their military titles in connection with any commercial enterprise. Authorship of any material for publication shall be specifically exempted from this provision, subject to existing regulations.

(b) Retired personnel on inactive duty, both Regular and those of the Reserve components, officer, and enlisted, shall be permitted to use their military titles in connection with commercial enterprises.

(c) Reserve component personnel on inactive duty, officer and enlisted, shall be permitted to use their military titles in connection with commercial enterprises.

§ 888.10 *Civil employment of military personnel.* Officers of the Air Force may not be employed in civil works or internal improvements, nor be permitted to engage in the service of any corporation if such extra employment requires that he shall be separated from his organization or interferes with the performance of military duty (R. S. 1224, 10 U. S. C. 495) No enlisted man in the active service of the United States in the Air Force may be detailed, ordered, or permitted to leave his post to engage in private pursuits for hire when the same shall interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, and professions. (Sec. 35, act June 3, 1916, 39 Stat. 188; 10 U. S. C. 609.)

* * * * *

(AFR 30-30B, July 14, 1955) (R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Statutory provisions interpreted or applied are cited to text in parentheses)

[SEAL] E. E. TORO,
Colonel, U S. Air Force,
Air Adjutant General.

[F. R. Doc. 55-7840; Filed, Sept. 28, 1955; 8:45 a. m.]

[2] It should be noted, however, that section 434, Title 18, United States Code (sec. 1, 62 Stat. 703; 18 U. S. C. 434) relates to representing the Government in transacting business with a private concern and section 1914, Title 18, United States Code (sec. 1, 62 Stat. 793; 18 U. S. C. 1914) relates to receiving compensation from a private source in connection with services performed for the Government, and, therefore, neither of these provisions applies to a retired officer who is not representing or performing services for the United States.

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1935]

PART 257—SALE OR LEASE OF SMALL TRACTS, NOT EXCEEDING FIVE ACRES, FOR RESIDENCE, RECREATION, BUSINESS, OR COMMUNITY SITES

APPLICATION; GENERAL PROCEDURE

A new paragraph (e) reading as follows, is added to § 257.6. *Application, general procedure.*

(e) An application on Form 4-772 will not be accepted, will not be considered as filed, and will be returned to the applicant if.

(1) The land description in the application does not conform with the classification order or official plat of survey or if the lands are unclassified and unsurveyed, the metes and bounds description is inadequate to permit ready and accurate identification of the tract (see paragraph (b) of this section)

(2) The application is not accompanied by the filing fee of $10 and the advance rental required by §§ 257.8 and 257.9, namely, the advance rental specified in the classification order or if the lands are not classified, $100 for business sites and $15 for other sites.

(3) The application is not signed by the applicant, or

(4) The lands applied for have either been—

(i) Classified for sale at public auction,

(ii) Classified for lease but not opened to application, or

(iii) Officially recorded as under consideration for small tract classification (see § 257.5)

(52 Stat. 609, as amended; 43 U. S. C. 682a. Interprets or applies R. S. 2478; 43 U. S. C. 1201)

DOUGLAS MCKAY,
Secretary of the Interior

SEPTEMBER 23, 1955.

[F. R. Doc. 55-7842; Filed, Sept. 28, 1955; 8:46 a. m.]

Appendix C—Public Land Orders

[Public Land Order 1226]

[Misc. 1510530]

CALIFORNIA

REVOKING EXECUTIVE ORDER NO. 6331 OF OCTOBER 11, 1933, WHICH WITHDREW LANDS FOR USE AS STATE CONSERVATION CAMP· PARTIALLY REVOKING EXECUTIVE ORDER OF APRIL 17, 1926, CREATING PUBLIC WATER RESERVE NO. 107

By virtue of the authority vested in the President by Section 1 of the act of June 25, 1910 c. 421 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 6331 of October 11, 1933, which temporarily withdrew the following-described public lands in California for use as a State conservation camp in connection with cooperative Civilian Conservation Corps work, is hereby revoked:

MOUNT DIABLO MERIDIAN

T. 43 N., R. 7 W.,
Sec. 18, NE¼NE¼.

The area described contains 40 acres.

The Executive order of April 17, 1926, creating Public Water Reserve No. 107, is hereby revoked so far as it affects the above-described lands.

The land is located seven miles east and two miles west of Fort Jones. An unimproved dirt road passes through the southeast part. The topography is hill slope northwest of Cedar Gulch, which

flows southwesterly. Vegetation consists of open ceanothus brush interspersed with grass-land on south slopes, and yellow pine timber and reproduction in bottom and north slopes. The land is not suitable for agriculture.

No application for the land may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

Applications and selections under the nonmineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended) presented prior to 10:00 a. m. on October 29, 1955, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on January 28, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on January 28, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under Paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

The lands are now open to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on January 28, 1956.

Inquiries regarding the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

FRED G. AANDAHL,
Assistant Secretary of the Interior.

SEPTEMBER 23, 1955.

[F. R. Doc. 55-7841; Filed, Sept 23, 1955; 8:45 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 18]

SHIPMENT OF BAGGAGE IN BOND

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to authority contained in sections 161 and 251 of the Revised Statutes, and sections 498, 552, and 553 of the Tariff Act of 1930, as amended (5 U. S. C. 22, 19 U. S. C. 66, 1498, 1552, 1553) it is proposed to amend §§ 18.13 and 18.14, Customs Regulations (19 CFR 18.13, 18.14) to eliminate the cording and sealing of baggage shipped in bond to a port of entry other than the port of first arrival or shipped in transit through the United States to foreign countries.

The terms of the proposed amendment, in tentative form are as follows:

Part 18, Transportation in Bond and Merchandise in Transit, is amended as follows:

1. Section 18.13 (a) is amended by deleting "under cord and seal and" from the first sentence and substituting "with the use of a"

2. Section 18.13 (b) is amended by deleting "placed on the cords back of the seal" from the second sentence and substituting "securely attached by wire or cord to the baggage"

(Secs. 498 (a), 552, 46 Stat. 728, as amended, 742; 19 U. S. C. 1498 (a), 1552)

3. The second sentence of § 18.14 is amended to read: "Such baggage shall be shipped under the regulations prescribed in the preceding section, except that the card or paster shall be printed on yellow paper and shall read "Baggage in bond for export."

(Secs. 498, 553, 46 Stat. 728, as amended, 742, as amended; 19 U. S. C. 1498, 1553)

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) Prior to the issuance of the amendment in final form, consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: September 20, 1955.

DAVID W. KENDALL,
Acting Secretary of the Treasury.

[F. R. Doc. 55-7877; Filed, Sept. 23, 1955; 8:52 a. m.]

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX: TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SCHOLARSHIPS AND FELLOWSHIP GRANTS

Notice is hereby given, pusuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (65A Stat. 917; 26 U. S. C. 7805)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

The regulations set forth below are hereby prescribed under section 117 of the Internal Revenue Code of 1954. The rules are applicable for taxable years beginning after December 31, 1953 and ending after August 16, 1954:

Sec.
1.117 Statutory provisions; scholarships and fellowship grants.
1.117-1 Exclusion of amounts received as a scholarship or fellowship grant.
1.117-2 Limitations.
1.117-3 Definitions.
1.117-4 Items not considered as scholarships or fellowship grants.

§ 1.117 *Statutory provisions; scholarships and fellowship grants.*

SEC. 117. *Scholarships and fellowship grants*—(a) *General rule.* In the case of an individual, gross income does not include—

(1) Any amount received—

(A) As a scholarship at an educational institution (as defined in section 151 (e) (4)), or

(B) As a fellowship grant, including the value of contributed services and accommodations; and

(2) Any amount received to cover expenses for—

(A) Travel,
(B) Research,
(C) Clerical help, or
(D) Equipment,

which are incident to such a scholarship or to a fellowship grant, but only to the extent that the amount is so expended by the recipient.

(b) *Limitations*—(1) *Individuals who are candidates for degrees.* In the case of an individual who is a candidate for a degree at an educational institution (as defined in section 151 (e) (4)), subsection (a) shall not apply to that portion of any amount received which represents payment for teaching, research, or other services in the nature of part-time employment required as a condition to receiving the scholarship or the fellowship grant. If teaching, research, or other services are required of all candidates (whether or not recipients of scholarships or fellowship grants) for a particular degree as a condition to receiving such degree, such teaching, research, or other services shall not be regarded as part-time employment within the meaning of this paragraph.

(2) *Individuals who are not candidates for degrees.* In the case of an individual who is not a candidate for a degree at an educational institution (as defined in section 151 (e) (4)), subsection (a) shall apply only if the condition in subparagraph (A) is satisfied and then only within the limitations provided in subparagraph (B).

(A) *Conditions for exclusion.* The grantor of the scholarship or fellowship grant is an organization described in section 501 (c) (3) which is exempt from tax under section 501 (a), the United States, or an instrumentality or agency thereof, or a State, a Territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

(B) *Extent of exclusion.* The amount of the scholarship or fellowship grant excluded under subsection (a) (1) in any taxable year shall be limited to an amount equal to $300 times the number of months for which the recipient received amounts under the scholarship or fellowship grant during such taxable year, except that no exclusion shall be allowed under subsection (a) after the recipient has been entitled to exclude under this section for a period of 36 months (whether or not consecutive) amounts received as a scholarship or fellowship grant while not a candidate for a degree at an educational institution (as defined in section 151 (e) (4)).

§ 1.117–1 *Exclusion of amounts received as a scholarship or fellowship grant*—(a) *In general.* Any amount received by an individual as a scholarship at an educational institution or as a fellowship grant, including the value of contributed services and accommodations, shall be excluded from the gross income of the recipient, subject to the limitations set forth in section 117 (b) and § 1.117–2. The exclusion from gross income of an amount which is a scholarship or fellowship grant is controlled solely by section 117. Accordingly, to the extent that a scholarship or a fellowship grant exceeds the limitations of section 117 (b) and § 1.117–2, it is includible in the gross income of the recipient notwithstanding the provisions of section 102 relating to exclusion from gross income of gifts, or section 74 (b) relating to exclusion from gross income of certain prizes and awards. For definitions see § 1.117–3.

(b) *Exclusion of amounts received to cover expenses.* Any amount received by an individual, over and above the scholarship or fellowship grant, to cover expenses for travel (including an allowance for travel of the individual's family) research, clerical help, or equipment, is excludable from gross income provided that such expenses are incident to the scholarship or the fellowship grant. The requirement that these expenses be incident to the scholarship or the fellowship grant means that the expenses of travel, research, clerical help, or equipment, must be incurred by the individual in order to effectuate the purpose for which the scholarship or the fellowship grant was awarded. The exclusion is applicable only to the extent that the amount received for travel, research, clerical help, or equipment, was actually expended for such expenses by the recipient during the term of the scholarship or the fellowship grant. The unexpended portion of the amount received for such expenses shall be included in gross income for the taxable year of the recipient during which the scholarship or fellowship grant (or extension or renewal thereof) terminates, but not later than the last taxable year for which amounts are excludible under section 117 (a)

§ 1.117–2 *Limitations*—(a) *Individuals who are candidates for degrees*—(1) *In general.* Under the limitations provided by section 117 (b) (1) in the case of an individual who is a candidate for a degree at an educational institution, the exclusion from gross income shall not apply (except as otherwise provided in subparagraph (2) of this paragraph) to that portion of any amount received as payment for teaching, research, or other services in the nature of part-time employment required as a condition to receiving the scholarship or fellowship grant. Payments for such part-time employment shall be included in the gross income of the recipient in an amount determined by reference to the rate of compensation ordinarily paid for similar services performed by an individual who is not the recipient of a scholarship or a fellowship grant. A typical example of employment under this subparagraph is the case of an individual who is required, as a condition to receiving the scholarship or the fellowship grant, to perform part-time teaching services. A requirement that the individual shall furnish periodic reports to the grantor of the scholarship or the fellowship grant for the purpose of keeping the grantor informed as to the general progress of the individual shall not be deemed to constitute the performance of services in the nature of part-time employment.

(2) *Exception.* If teaching, research, or other services are required of all candidates (whether or not recipients of scholarships or fellowship grants) for a particular degree as a condition to receiving the degree, such teaching, research, or other services on the part of the recipient of a scholarship or fellowship grant who is a candidate for such degree shall not be regarded as part-time employment within the meaning of this paragraph. Thus, if all candidates for a particular education degree are required, as part of their regular course of study or curriculum, to perform part-time practice teaching services, such services are not to be regarded as part-time employment within the meaning of this paragraph.

(b) *Individuals who are not candidates for degrees*—(1) *Conditions for exclusion.* In the case of an individual who is not a candidate for a degree at an educational institution, the exclusion from gross income of an amount received as a scholarship or a fellowship grant shall apply (to the extent provided in subparagraph (2) of this paragraph) only if the grantor of the scholarship or the fellowship grant is an organization described in section 501 (c) (3) which is exempt from tax under section 501 (a), the United States, or an instrumentality or agency thereof, or a State, a Territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

(2) *Extent of exclusion.* (i) In the case of an individual who is not a candidate for a degree, the amount received as a scholarship or a fellowship grant which is excludable from gross income under section 117 (a) (1) shall not exceed an amount equal to $300 times the number of months for which the recipient received amounts under the scholarship or fellowship grant during the taxable year. In determining the number of months during the period for which the recipient received amounts under a scholarship or fellowship grant computation shall be made on the basis of whole calendar months. A whole calendar month means a period of time terminating with the day of the succeeding month numerically corresponding to the day of the month of its beginning, less one, except that if there be no corresponding day of the succeeding month the period terminates with the last day of the suceeding month. For purposes of this computation a fractional part of a calendar month consisting of a period of time including 15 days or more shall be considered to be a whole calendar month and a fractional part of a calendar month consisting of a period of time including 14 days or less shall be disregarded. For example, if an individual receives a fellowship grant on September 13 which is to expire on June 12 of the following year, the grant shall be considered to have extended for a period of 9 months. If in the preceding example the grant expired on June 27, instead of June 12, the grant shall be considered to have extended for a period of 10 months. No exclusion shall be

allowed under section 117 (a) (1) or section 117 (a) (2) after the recipient has been entitled to exclude, as an individual who is not a candidate for a degree, any amount for a period of 36 months. The 36-month limitation applies if the individual has received any amount excluded or excludable from gross income under section 117 (a) attributable to any prior 36 months, whether or not consecutive. For example, if the individual received a fellowship grant of $7,200 for 3 years (which he elected to receive in monthly installments of $200) he would have exhausted his exclusion period even though he did not in any of the 36 months make use of the maximum exclusion. Accordingly, the individual would be entitled to no further exclusion from gross income with respect to any additional grants which he may receive.

(ii) If an individual who is not a candidate for a degree receives amounts from more than one scholarship or fellowship grant during the taxable year, the total amounts received in the taxable year shall be aggregated for the purpose of computing the amount which may be excludable from gross income. If amounts are received from more than one scholarship or fellowship grant during the same month or months within the taxable year, such month or months shall be counted only once for the purpose of determining the number of months for which the individual received such amounts under the scholarships or fellowship grants during the taxable year. For example, if an individual receives a fellowship grant from one source for the months of January to June of the taxable year and also receives a fellowship grant from another source for the months of March through December of the same taxable year, he shall be considered to have received amounts for 12 months of the taxable year. See example (4) in subparagraph (3) for further illustration.

(3) *Examples.* The application of this paragraph may be further illustrated by the following examples, it being assumed that in each example the grantor is a grantor who is described in section 117 (b) (2) (A) and subparagraph (1) of this paragraph:

Example (1). B, an individual who files his return on the calendar year basis, is awarded a post-doctorate fellowship grant in March 1955. The grant is to commence on September 1, 1955, and is to end on May 31, 1956, so that it will extend over a period of 9 months. The amount of the fellowship grant is $4,500 and B receives this amount in monthly installments of $500 on the first day of each month commencing September 1, 1955. During the taxable year 1955, B receives a total of $2,000 with respect to the 4-month period September through December, inclusive. He may exclude $1,200 from gross income in the taxable year 1955 ($300 × 4) and must include the remaining $800 in gross income for that year. For the year 1956, he will exclude $1,500 ($300 × 5) from gross income with respect to the $2,500 which he receives in that year and must include in gross income $1,000.

Example (2). Assume the same taxpayer as in example (1) except that B receives the full amount of the grant ($4,500) on September 1, 1955. Since the amount received in the taxable year 1955 is for the full term of the fellowship grant (9 months), B may exclude $2,700 ($300 × 9) from gross income for the taxable year 1955. The remaining $1,800 must be included in gross income for that year.

Example (3). C, an individual who files his return on the calendar year basis, is awarded a post-doctorate fellowship grant in March 1955. The amount of the grant is $4,500 for a period commencing on September 1, 1955, and ending 24 months thereafter. C receives the full amount of the grant on September 1, 1955. C may exclude from gross income for the taxable year 1955, the full amount of the grant ($4,500) since this amount does not exceed an amount equal to $300 times the number of months (24) for which he received the amount of the grant during that taxable year.

Example (4). (i) F, an individual who files his return on the calendar year basis, is awarded a post-doctorate fellowship grant (Grant A) for two years commencing June 1, 1955, in the amount of $4,800. He elects to receive his grant in monthly installments of $200 commencing June 1, 1955. On March 1, 1956, F is awarded another post-doctorate fellowship grant (Grant B) for two years commencing September 1, 1956, in the amount of $7,200. He elects to receive this grant in monthly installments of $300 commencing September 1, 1956.

(ii) For the calendar year 1955, F receives $1,400 from Grant A which he is entitled to exclude from gross income since it does not exceed an amount equal to $300 times the number of months (7) for which he received amounts under the grant in the taxable year.

(iii) For the calendar year 1956, F receives $3,600 as the aggregate of amounts received under fellowship grants ($2,400 from Grant A and $1,200 from Grant B). F will be entitled to exclude the entire amount of $3,600 from gross income for the calendar year 1956 since such amount does not exceed an amount equal to $300 times the number of months (12) for which he received amounts under the grants in the taxable year.

(iv) For the calendar year 1957, F receives $4,600 as the aggregate of amounts received under fellowship grants ($1,000 from Grant A and $3,600 from Grant B). F will be entitled to exclude $3,600 ($300 × 12) from gross income for the calendar year 1957 and he will have to include $1,000 in gross income.

(v) For the calendar year 1958, F receives $2,400 from Grant B. F is entitled to exclude $1,500 ($300 × 5) from gross income for the calendar year 1958 and he will have to include $900 in gross income. While F receives amounts under fellowship Grant B for 8 months during the calendar year 1958, he is limited to an amount equal to $300 times 5 (months) because of the fact that he has already been entitled to exclude (and has in fact excluded) amounts received as a fellowship grant for a period of 31 months. Accordingly, he can only exclude amounts received under the fellowship grant for 5 months during the calendar year 1958, because of the 36-month limitation period. The fact that he was entitled to exclude only $1,400 ($200 a month for 7 months) instead of the maximum amount of $2,100 ($300 × 7) in 1955, is immaterial and the limitation period of 36 months is applicable.

(vi) The following chart illustrates the computation of the number of months for which F receives amounts under the fellowship grants during the respective taxable years and the computation of the total amounts received under the fellowship grants during each taxable year:

Period for which received as income	Number of months	Amount
1955:		
June 1 to December 31	7	
Grant A		$1,400
Grant B		--
Aggregate	7	1,400
1956:		
January 1 to August 31	8	
Grant A		1,600
Grant B		--
September 1 to December 31	4	
Grant A		--
Grant B		1,200
Aggregate	12	2,800
1957:		
January 1 to May 31	5	
Grant A		1,000
Grant B		1,500
June 1 to December 31	7	
Grant A		None
Grant B		2,100
Aggregate	12	4,600
1958:		
January 1 to August 31	8	
Grant A		--
Grant B		2,400
Aggregate	8	2,400

§ 1.117-3 *Definitions*—(a) *Scholarship.* A scholarship generally means an amount paid or allowed to, or for the benefit of, a student, whether an undergraduate or a graduate, to aid such individual in pursuing his studies. The term includes the value of contributed services and accommodations and the amount of tuition, matriculation, and other fees which are furnished or remitted to a student to aid him in pursuing his studies. The term also includes any amount received as a family allowance. If an educational institution maintains or participates in a plan whereby the tuition of a child of a faculty member of such institution is remitted by any other participating educational institution attended by such child, the amount of the tuition so remitted shall be considered to be an amount received as a scholarship. See paragraph (d) of this section.

(b) *Educational institution.* For definition of "educational institution" section 117 adopts the definition of that term which is prescribed in section 151 (e) (4). Accordingly, for purposes of section 117 the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on. See section 151 (e) (4) and regulations thereunder.

(c) *Fellowship grant.* A fellowship grant generally means an amount paid or allowed to, or for the benefit of, an individual to aid him in the pursuit of study or research. The term includes the value of contributed services and accommodations and the amount of tuition, matriculation, and other fees which are furnished or remitted to an individual to aid him in the pursuit of study or research. The term also includes any amount received as a family allowance. See paragraph (d) of this section.

(d) *Contributed services and accommodations.* The term "contributed services and accommodations" mean such services and accommodations as room,

board, laundry service, and similar services or accommodations which are received by an individual as a part of a scholarship or fellowship grant.

(e) *Candidate for a degree.* The term "candidate for a degree" means an individual, whether an undergraduate or a graduate, who is pursuing studies or conducting research to meet the requirements for an academic or professional degree conferred by colleges or universities. It is not essential that such study or research be pursued or conducted at an educational institution which confers such degrees if the purpose thereof is to meet the requirements for a degree of a college or university which does confer such degrees. Thus, a student who receives a scholarship for study at a secondary school or other educational institution for the purpose of meeting the requirements for entrance at a college or university is considered to be a "candidate for a degree."

§ 1.117-4 *Items not considered as scholarships or fellowship grants.* The following payments or allowances shall not be considered to be amounts received as a scholarship or a fellowship grant for the purpose of section 117.

(a) *Educational and training allowances to veterans.* Educational and training allowances to a veteran pursuant to the Veterans Readjustment Assistance Act of 1952.

(b) *Allowances to members of the Armed Forces of the United States.* Tuition and subsistence allowances to students of educational institutions operated by the United States for the education and training of members of the Armed Forces of the United States, such as the United States Naval Academy and the United States Military Academy.

(c) *Awards for benefit of grantor* Any amount awarded for a purpose other than to further the education and training of the recipient in his individual capacity. Thus, an award the primary purpose of which is to serve the interests of the grantor will not be considered to be either a scholarship or a fellowship grant. However, if the primary purpose of an award is to further the education and training of the individual recipient, neither the fact that the recipient thereof may be required to furnish periodic reports of his progress to the grantor nor the fact that his research can be used by the grantor shall, of itself, be considered to destroy the essential character of the award as either a scholarship or a fellowship grant.

(d) *Amounts received because of employer - employee relationship.* Any amount received by an individual from his employer or any entity related to the employer if such amount is received because of the employer-employee relationship. Thus, section 117 does not apply to amounts received by an employee which are in the nature of compensation for services performed or to be performed by the employee; nor to amounts received from an employer to enable an employee to attend a trade school or other educational institution, or otherwise obtain training or instruction, for the benefit of the employer nor to amounts which are furnished by or on behalf of an employer in furtherance of the purposes of the employer rather than primarily for the benefit of the individual recipient.

[F. R. Doc. 55-7880; Filed, Sept. 28, 1955; 8:52 a. m.]

[26 CFR (1954) Part 504]

General Regulations Under the Income Tax Convention Between the United States and Belgium

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:I, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805) and Article XXI of the income tax convention between the United States and Belgium which was proclaimed by the President of the United States on September 23, 1953.

[SEAL] O. GORDON DELK,
Acting Commissioner of Internal Revenue.

General regulations under the income tax convention between the United States and Belgium, proclaimed by the President of the United States on September 23, 1953.

Sec.

§ 504.101 *Introductory.* The income tax convention between the United States and Belgium, signed October 28, 1948, as modified and supplemented by the supplementary convention between those Governments, signed September 9, 1952, hereinafter referred to as the convention, was proclaimed by the President of the United States on September 23, 1953, and is effective with respect to income derived in taxable years beginning on or after January 1, 1953. It provides, in part, as follows:

ARTICLE I

(1) The taxes which are the subject of the present Convention are:

(a) In the case of the United States: The Federal income taxes.

(b) In the case of Belgium: The income taxes, the national crisis tax, and the personal complementary tax, including all additions to these taxes.

(2) The present Convention shall apply also to any other taxes of a substantially similar character imposed by either Contracting State subsequently to the date of signature of the present Convention or by the government of any territory to which the present Convention is extended under Article XXII.

(3) In the event of appreciable changes in the fiscal laws of either of the Contracting States the competent authorities of the Contracting States will consult together.

ARTICLE II

(1) In the present Convention, unless the context otherwise requires:

(a) The term "United States" means the United States of America, and when used in a geographical sense means the States, the Territories of Alaska and of Hawaii, and the District of Columbia.

(b) The term "Belgium" when used in a geographical sense means the Kingdom of Belgium in Europe.

(c) The term "United States enterprise" means an industrial or commercial enterprise or undertaking carried on in the United States by a citizen or resident of the United States or by a corporation or other juridical person created or organized in the United States or under the laws of the United States or of any State or Territory of the United States.

(d) The term "Belgian enterprise" means an industrial or commercial enterprise or undertaking carried on in Belgium by a citizen or resident of Belgium or by a corporation or other juridical person created or organized in Belgium or under the laws of Belgium.

(e) The terms "enterprise of one of the Contracting States" and "enterprise of the other Contracting State" mean a United States enterprise or a Belgian enterprise, as the context requires.

(f) The term "permanent establishment", when used with respect to an enterprise of one of the Contracting States, means a branch, factory, mine, oil well, plantation, workshop, warehouse, installation, or other fixed place of business, but does not include an agency unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or has control over a stock of merchandise from which he regularly fills orders on behalf of such enterprise. An enterprise of one of the Contracting States shall not be deemed to have a permanent establishment in the other Contracting State merely because it carries on business dealings in such other Contracting State through a bona fide commission agent or broker acting in the ordinary course of his business as such. When a corporation of one Contracting State has a subsidiary corporation which is a corporation created or organized in the other Contracting State or which is engaged in trade or business in such other Contracting State, such subsidiary corporation shall not, merely because of that

fact, be deemed to be a permanent establishment of its parent corporation.

(g) The term "industrial and commercial profits" shall not include the following:

(i) Income from real property;

(ii) Income from mortgages, from public funds, securities (including mortgage bonds), loans, deposits, and current accounts;

(iii) Dividends and other income from shares in a corporation;

(iv) Rentals or royalties arising from leasing personal property or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, patents, copyrights, secret processes and formulae, good will, trade marks, trade brands, franchises, and other like property;

(v) Profit or loss from the sale or exchange of capital assets;

(vi) Compensation for labor or personal services. Subject to the provisions of the present Convention, the income referred to in subparagraphs (i) to (vi) shall be taxed separately or together with industrial and commercial profits in accordance with the laws of the Contracting States.

(h) The term "competent authority" or "competent authorities" means, in the case of the United States, the Commissioner of Internal Revenue or his duly authorized representative; and in the case of Belgium, the Directeur General de l'Administration des Contributions Directes or his duly authorized representative; and, in the case of any territory to which the present Convention is extended under Article XXII, the competent authority for the administration in such territory of the taxes to which the present Convention applies.

(2) In the application of the provision of the present Convention by either of the Contracting States, any term which is not otherwise defined shall, unless the context otherwise requires, have the meaning which that term has under the laws of such Contracting State relating to the taxes which are the subject of the present Convention.

ARTICLE III

(1) An enterprise of one of the Contracting States is not subject to taxation by the other Contracting State in respect of its industrial and commercial profits except in respect of such profits allocable to its permanent establishment in such other State.

(2) However, an enterprise of one of the Contracting States is not subject to taxation by the other Contracting State if it maintains in the latter State only an establishment which confines itself to the purchasing of merchandise for the purpose of supplying establishments which such enterprise maintains in the former State.

ARTICLE IV

(1) If an enterprise of one of the Contracting States has a permanent establishment in the other Contracting State, there shall be attributed to such permanent establishment the net industrial and commercial profit which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions. Such net profit will, in principle, be determined on the basis of the separate accounts pertaining to such establishment.

(2) The competent authority of the taxing State may, when necessary, in execution of paragraph (1) of this Article, rectify the accounts produced, notably to correct errors and omissions or to re-establish the costs, prices or remuneration entered in the books at the value which would prevail between independent persons. If

(a) an establishment does not produce an accounting showing its own operations, or

(b) the accounting produced does not correspond to the normal usages of the trade in the country where the establishment is situated, or

(c) the rectifications provided for in this paragraph cannot be effected,

the competent authority of the taxing State may determine the net industrial and commercial profit by applying to the operations of the establishment such methods or formulae as may be fair and reasonable.

(3) To facilitate the determination of industrial and commercial profits which are allocable to the permanent establishment, the competent authorities of the Contracting States may consult together with a view to the adoption of uniform rules of allocation with respect to such profits.

(4) In the determination of the net industrial and commercial profits allocable to the permanent establishment there shall be allowed as deductions all expenses, wherever incurred, insofar as they are reasonably allocable to the permanent establishment, including executive and general administrative expenses so allocable.

ARTICLE V

When an enterprise of one of the Contracting States, by reason of its participation in the management or financial structure of an enterprise of the other Contracting State, makes with or imposes on the latter enterprise, in their financial or commercial relations, conditions different from those which would be made with an independent enterprise, any profits which, but for those conditions, would have accrued to one of the enterprises may be included in the taxable profits of that enterprise, subject to applicable measures of appeal.

ARTICLE VI

Income of whatever nature derived from real property shall be taxable only in the Contracting State in which the real property is situated. This Article does not apply to income derived from mortgages or bonds secured by real property.

ARTICLE VII

(1) Income which an enterprise of one of the Contracting States derives from the operation of ships or aircraft registered in that State shall be exempt from taxation in the other Contracting State.

(2) The present Convention shall not be deemed to affect the provisions of the exchange of notes between the United States and Belgium, dated January 28, 1936, providing for relief from double income taxation on shipping profits.

ARTICLE VIII

(1) The rate of United States tax on dividends derived from sources within the United States by a resident or corporation or other entity of Belgium not having a permanent establishment within the United States shall not exceed 15 percent.

(2) Belgium shall not impose on dividends derived from sources within Belgium by a resident or corporation or other entity of the United States not having a permanent establishment within Belgium any tax in the nature of a personal complementary tax or surtax thereon, or any tax similar to that withheld at the source on dividends under United States law in the case of nonresident aliens and foreign corporations.

ARTICLE VIII

The rate of tax imposed by each of the Contracting States upon interest (on bonds, notes, debentures, or on any other form of indebtedness) derived from sources within such State by a resident or corporation or other entity of the other State not having a permanent establishment within the former State shall not exceed 15 percent.

ARTICLE IX

(1) Rentals or royalties from real property or in respect of the operation of mines, quarries or other natural resources shall be taxable only in the Contracting State in which such property, mines, quarries or other natural resources are situated. A resident of Belgium, or a corporation or other juridical person created or organized in Belgium deriving such rentals or royalties from sources within the United States may elect for any taxable year to be subject to United States tax as if such resident, corporation or entity were engaged in trade or business within the United States through a permanent establishment therein in such taxable year.

(2) Royalties derived from within one of the Contracting States by a resident or by a corporation or other entity of the other Contracting State as consideration for the right to use copyrights, patents, secret processes and formulae, trade marks and other analogous rights shall be exempt from taxation in the former State, provided such resident, corporation or other entity does not have a permanent establishment there. The term "royalties" as used in this paragraph shall be deemed to include rentals in respect of motion picture films.

ARTICLE X

(1) Wages, salaries and similar compensations, and pensions and annuities, paid by one of the Contracting States or by the political subdivisions or territories thereof to citizens of that State residing in the other State (whether or not also citizens of such other State) shall be exempt from taxation in the latter State.

(2) Private pensions and annuities derived from within one of the Contracting States and paid to individuals residing in the other Contracting State shall be exempt from taxation in the former State.

(3) The term "pensions" as used in this Article means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "annuities" as used in this Article means a stated sum payable periodically at stated times, under an obligation to make the payments in consideration of money paid.

ARTICLE XI

(1) A resident of the United States shall be exempt from Belgian tax upon compensation for labor or personal services performed within Belgium if he falls within either of the following classifications:

(a) He is temporarily present within Belgium for a period or periods not exceeding a total of ninety days during the calendar year and the compensation received for such labor or personal services does not exceed $3,000.00 in the aggregate, or its corresponding amount, except that the provisions of this subparagraph shall not apply to remuneration of "administrateurs" "commissaries" or "liquidateurs" of, or of other individuals exercising similar functions in corporations created or organized in Belgium;

(b) He is temporarily present within Belgium for a period or periods not exceeding a total of one hundred eighty-three days during the calendar year and his compensation is received for labor or personal services performed as a worker or employee of, or under contract with, a resident of, or a corporation or other juridical person created or organized in, the United States which carries the actual burden of the remuneration.

In such cases the United States reserves the right to tax such income.

(2) A resident of Belgium shall be exempt from United States tax upon compensation for labor or personal services performed within the United States if he falls within either of the following classifications:

(a) He is temporarily present within the United States for a period or periods not exceeding a total of ninety days during the taxable year and the compensation received for such labor or personal services does not exceed $3,000.00 in the aggregate, or its corresponding amount, except that the provisions of this subparagraph shall not apply to remuneration of officers and directors of corporations created or organized in the United States;

(b) He is temporarily present within the United States for a period or periods not exceeding a total of one hundred eighty-three days during the taxable year and his compensation is received for labor or personal services performed as a worker or employee of, or under contract with, a resident of, or a corporation or other juridical person created or organized in, Belgium which carries the actual burden of the remuneration.

In such cases Belgium reserves the right to tax such income.

(3) The provisions of this Article shall have no application to the income to which Article X relates.

ARTICLE XII

(1) Notwithstanding any provisions of the present Convention (other than paragraph (1) of Article X) each of the two Contracting States, in determining the income taxes, including all surtaxes, of its citizens or residents or corporations or other juridical persons, may include in the basis upon which such taxes are imposed all items of income taxable under its own revenue laws as though this Convention had not come into effect.

(2) In accordance with the provisions of section 131 of the United States Internal Revenue Code as in effect on the day of the entry into force of the present Convention, the United States agrees to allow as a deduction from the income taxes imposed by the United States the appropriate amount of taxes paid to Belgium, whether paid directly by the taxpayer or by withholding.

(3) In order to take into account the Federal income taxes collected in the United States, Belgium agrees, in conformity with the provisions of Belgian law relating to income taxes and the national crisis tax, as in effect on the day of the entry into force of the present Convention, to reduce

(a) to one-fifth, the professional tax and the national crisis tax which affect that part of the taxable income which is derived from sources within and taxed by the United States,

(b) to a maximum of 12 percent, the tax on income from personal and real property which has its source in the United States, and

(c) in derogation of the provisions of Belgian law, to one-fourth the personal complementary tax due by citizens or residents of the United States who are also residents of Belgium, in respect of income from sources within and taxed by the United States.

ARTICLE XIII

Professors or teachers, citizens of one of the Contracting States, who, within the framework of agreements between the Contracting States or between teaching establishments in the Contracting States for the sending of professors and teachers, visit within the territory of the other Contracting State to teach, for a maximum period of two years, in a university, college, school or other teaching establishment in the territory of such other Contracting State, shall not be taxed by such other State with respect to the remuneration which they receive for such teaching.

ARTICLE XIV

Students or apprentices, citizens of one of the Contracting States, residing in the other Contracting State exclusively for purposes of study or for acquiring experience, shall not be taxable by the latter State in respect of remittances received by them from abroad for the purposes of their maintenance or studies.

ARTICLE XV

(1) The competent authorities of the Contracting States shall exchange such information (being information available under the respective taxation laws of the Contracting States) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions and regulations against legal avoidance in relation to the taxes which are the subject of the present Convention.

(2) Documents and information contained therein, transmitted under the provisions of the present Convention by one of the Contracting States to the other Contracting State shall not be published, revealed or disclosed to any person except to the extent permitted under the laws of the latter State with respect to similar documents or information.

ARTICLE XVI

The competent authority of each of the Contracting States shall furnish, upon request by the competent authority of the other Contracting State, particulars relative to the application in concrete cases of the taxes of the requesting State to which the present Convention relates.

ARTICLE XVII

Each of the Contracting States shall collect taxes, which are the subject of this Convention, imposed by the other Contracting State (as though such tax were a tax imposed by the former State) as will ensure that the exemption, or reduced rate of tax, as the case may be, granted under the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

ARTICLE XVIII

(1) In no case shall the provisions of Articles XV, XVI, and XVII be construed so as to impose upon either of the Contracting States the obligation

(a) to carry out administrative measures at variance with the regulations and practice of either Contracting State, or

(b) to supply information or particulars which are not procurable under its own legislation or that of the State making the application.

(2) The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it. Nevertheless, such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a business, industrial or trade secret. In such case it shall inform, as soon as possible, the State making the application.

ARTICLE XIX

Where a taxpayer shows proof that the action of the tax administrations of the Contracting States has resulted or will result in double taxation in his case in respect of any of the taxes to which the present Convention relates, he shall be entitled (within a period of two years from the date of the notification of the tax which has been last asserted or proposed, or of the payment of the tax if such payment has been made prior to notification) to lodge a claim with the State of which he is a citizen, or, if he is not a citizen of either of the Contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other juridical person, with the State in which it is created or organized. Should the claim be upheld, the competent authorities of the two contracting States shall come to an agreement with a view to equitable avoidance of the double taxation in question.

ARTICLE XX

(1) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the Contracting States in the determination of the tax imposed by such State.

(2) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, the competent authorities of the Contracting States shall settle the question by mutual agreement.

(3) Citizens or corporations or other juridical persons of one of the Contracting States within the other Contracting State shall not be subjected, as regards the taxes referred to in the present Convention, to the payment of higher taxes than are imposed upon the citizens or corporations or other juridical persons of such other Contracting State.

ARTICLE XXI

The competent authorities of the two Contracting States may (in the case of the United States, with the approval of the Secretary of the Treasury, and in the case of Belgium, with the approval of the Minister of Finance) prescribe regulations necessary to carry out the provisions of the present Convention. With respect to the provisions of the present Convention relating to exchange of information and mutual assistance in the collection of taxes, such authorities may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection, and related matters.

ARTICLE XXII

(1) Either of the Contracting States may, at the time of exchange of instruments of ratification or thereafter while the present Convention continues in force, by a written notification of extension given to the other Contracting State through diplomatic channels, declare its desire that the operation of the present Convention, either in whole or as to such provisions thereof as may be deemed to have special application, shall extend to any of its colonies or overseas territories which imposes taxes substantially similar in character to those which are the subject of the present Convention.

(2) In the event that a notification is given by one of the Contracting States in accordance with paragraph (1) of this Article, the present Convention, or such provisions thereof as may be specified in the notification, shall apply to any territory named in such notification on and after the first day of January following the date of a written communication through diplomatic channels addressed to such Contracting State by the other Contracting State, after such action by the latter State as may be necessary in accordance with its own procedures, stating that such notification is accepted in respect of such territory. In the absence of such acceptance, none of the provisions of the present Convention shall apply to such territory.

(3) At any time after the expiration of one year from the effective date of an extension made by virtue of paragraphs (1) and (2) of this Article, either of the Contracting States may, by a written notice of termination given to the other Contracting State through diplomatic channels, terminate the application of the present Convention to any territory to which the Convention, or any of its provisions, has been extended. In that case, the present Convention, or the provisions thereof specified in the notice of termination, shall cease

to be applicable to any of the territories named in such notice of termination on and after the first day of January following the expiration of a period of six months after the date of such notice; provided, however, that this shall not affect the continued application of the Convention, or any of the provisions thereof, to the United States, to Belgium, or to any territory (not named in the notice of termination) to which the Convention, or such provision thereof, applies.

(4) For the application of the present Convention to any territory to which it is extended by the United States or by Belgium, references to "the United States" or to "Belgium" or to one or the other Contracting State, as the case may be, shall be construed to refer to such territory.

(5) For the purposes of the present Convention, the Belgian Congo shall be considered to be a Belgian territory to which the provisions of this Article shall apply.

ARTICLE XXIII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Brussels as soon as possible.

(2) The present Convention shall become effective with respect to income derived in taxable years beginning on or after the first day of January of the calendar year in which the exchange of the instruments of ratification takes place, except that if such exchange takes place after the thirtieth day of September of such calendar year, Articles VIII and VIIIA and Article IX (2) shall become effective only with respect to payments made after the thirty-first day of December of such calendar year. It shall continue effective for a period of five years beginning with the first day of January of the calendar year in which such exchange takes place and indefinitely after that period, but may be terminated by either of the Contracting States at the end of the five-year period or at any time thereafter, provided that at least six months' prior notice of termination has been given, the termination to become effective on the first day of January following the expiration of the six-month period.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES DATED SEPTEMBER 23, 1953

* * * * *

And whereas the Senate of the United States of America by their resolution of July 9, 1953, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the two conventions aforesaid;

And whereas the two conventions aforesaid were duly ratified by the President of the United States of America on July 23, 1953, in pursuance of the aforesaid advice and consent of the Senate, and the two conventions aforesaid were duly ratified on the part of Belgium;

And whereas the respective instruments of ratification of the two conventions aforesaid were duly exchanged at Brussels on September 9, 1953, and a protocol of exchange was signed at that place and on that date by the respective Plenipotentiaries of the United States of America and Belgium;

And whereas it is provided in Article XXIII of the aforesaid convention of October 28, 1948, as amended by Article I (g) of the aforesaid convention of September 9, 1952, that the convention shall become effective with respect to income derived in taxable years beginning on or after the first day of January of the calendar year in which the exchange of the instruments of ratification takes place, provided such exchange takes place on or before the thirtieth day of September of such calendar year;

And whereas it is provided in Article II of the aforesaid convention of September 9, 1952, that the supplementary convention shall be regarded as an integral part of the convention of October 28, 1948, and shall become effective and continue effective in accordance with Article XXIII of that convention as amended by Article I (g) of the supplementary convention;

Now, therefore, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the aforesaid convention of October 28, 1948, and the aforesaid convention of September 9, 1952, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States of America, and by the citizens of the United States of America, and all other persons subject to the jurisdiction thereof, the said conventions being deemed to be effective with respect to income derived in taxable years beginning on or after January 1, 1953.

* * * * *

§ 504.102 *Applicable provisions of law*—(a) *In general.* The Internal Revenue Code of 1954 provides, in part, as follows:

SUBTITLE A—INCOME TAXES

* * * * *

SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

* * * * *

SUBTITLE F—PROCEDURE AND ADMINISTRATION

* * * * *

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

* * * * *

(b) *Internal Revenue Code of 1939.* Any reference in §§ 504.101 to 504.121 to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

(c) *Effective date of regulations.* Pursuant to section 7805 of the Internal Revenue Code of 1954, Article XXII of the convention, and other provisions of the internal revenue laws of the United States, §§ 504.101 to 504.121, are hereby prescribed effective with respect to income derived in taxable years beginning on or after January 1, 1953. All regulations inconsistent herewith are modified accordingly.

§ 504.103 *Scope of the convention*—(a) *Purposes of the convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon certain items of income derived from sources within one country by citizens, residents, or corporations or other entities of the other country, and to provide for administrative cooperation between the competent tax authorities of the two countries looking to the avoidance of double taxation and the prevention of fiscal evasion.

(b) *Exemption from United States tax of income from sources within the United States.* The following items of income from sources within the United States are exempt from United States tax for taxable years beginning on or after January 1, 1953, subject to the respective articles of the convention:

(1) Industrial and commercial profits of a Belgian enterprise having no permanent establishment in the United States (Article III)

(2) Income derived by a Belgian enterprise from the operation of ships or aircraft registered in Belgium (Article VII)

(3) Patent and copyright royalties, and other like amounts, including motion picture film rentals, derived by a nonresident alien who is a resident of Belgium, or by a Belgian corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States. (Article IX)

(4) Private pensions and annuities paid to a nonresident alien individual who is a resident of Belgium (Article X).

(5) Compensation, subject to certain limitations, for personal services performed in the United States by a nonresident alien individual who is a resident of Belgium (Article XI) and

(6) Remuneration derived from certain teaching in the United States by a nonresident alien professor or teacher who is a citizen of Belgium (Article XIII).

(c) *Reduced rates of United States tax on certain dividends and interest.* Dividends and interest derived from sources within the United States by a nonresident alien who is a resident of Belgium, or by a Belgian corporation or other entity, are subject to United States tax at reduced rates if such alien, corporation or other entity has no permanent establishment in the United States (Articles VIII and VIIIA).

(d) *Exemption from United States tax of certain amounts paid by Belgium.* Compensation, pensions, and annuities paid by Belgium to a Belgian citizen (whether or not he is also a citizen of the United States) who is residing in the United States are exempt from United States tax (Article XI)

(e) *Exemption from United States tax of certain amounts received by students or apprentices.* Remittances received from abroad for the purpose of maintenance or studies by a nonresident alien student or apprentice who is a citizen of Belgium temporarily present in the United States under specified circumstances are exempt from United States tax (Article XIV)

(f) *Liability to United States tax of United States citizens and residents.* Any citizen of Belgium who is a resident of the United States is liable to United States tax as though the convention had not come into effect; however, such individual is entitled to the benefits of Article X (1), relating to government wages, salaries, pensions, and annuities, Article XII (2), relating to credit against United States tax for Belgian tax, and

Article XX. Moreover, a citizen of the United States, even though a resident in Belgium, or a domestic corporation, even though engaged in trade or business in Belgium through a permanent establishment situated therein, is liable to United States tax as though the convention had not come into effect; however such individual or domestic corporation is entitled to the benefits of Article XII (2) relating to credit against United States tax for Belgian tax, and such individual is entitled to the benefits of Article X (1) insofar as it relates to government wages, salaries, pensions, and annuities in the case of dual citizenship.

(g) *Liability to United States tax of certain nonresident aliens and foreign corporations.* Except as otherwise expressly provided by the convention, the United States tax liability of a nonresident alien who is a resident of Belgium, or of a Belgian corporation or other entity, is to be determined in accordance with the provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals and foreign corporations.

§ 504.104 *Definitions*—(a) *In general.* Any term defined in the convention or by §§ 504.101 to 504.121 shall have the meaning so assigned to it. Unless the context requires otherwise, any term not so defined shall have the meaning which it has under the internal revenue laws of the United States.

(b) *Specific terms.* As used in §§ 504.101 to 504.121.

(1) *United States tax.* The term "United States tax" means the Federal income taxes, including surtaxes, and any other income tax of a substantially similar character imposed by the United States after October 28, 1948.

(2) *Belgian tax.* The term "Belgian tax" means the income taxes, the national crisis tax, and the personal complementary tax of Belgium, including all additions to these taxes, and any other tax of a substantially similar character imposed by Belgium after October 28, 1948.

(3) *United States.* The term "United States" means the United States of America, and when used in a geographical sense, means the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(4) *Belgium.* The term "Belgium" when used in a geographical sense means the Kingdom of Belgium in Europe.

(5) *Enterprise.* The term "enterprise" means any commercial or industrial enterprise or undertaking carried on by any person (e. g., an individual, a partnership, or a corporation) It includes such activities as manufacturing, merchandising, mining, processing, banking, and insuring. It does not include the rendition of personal services. Hence, a nonresident alien who is a citizen or resident of Belgium and who performs personal services is not, merely by reason of those services, engaged in a Belgian enterprise within the meaning of the convention, and his liability to United States tax is not determined under Article III of the convention, if he has not otherwise carried on a Belgian enterprise.

(6) *United States enterprise.* The term "United States enterprise" means an enterprise carried on in the United States by a citizen or resident of the United States or by a corporation or other juridical person created or organized in the United States or under the laws of the United States or of any State or Territory of the United States.

(7) *Belgian enterprise.* The term "Belgian enterprise" means an enterprise carried on in Belgium by a nonresident alien who is a citizen or resident of Belgium or by a corporation or other juridical person created or organized in Belgium or under the laws of Belgium.

(8) *Permanent establishment*—(i) *Fixed place of business.* The term "permanent establishment" when used with respect to an enterprise, means a branch, factory, mine, oil well, plantation, workshop, warehouse, installation, or other fixed place of business. It implies the active conduct of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a Belgian enterprise does not mean that such enterprise, in the absence of any business activity therein, has a permanent establishment in the United States.

(ii) *Agency.* A Belgian enterprise which has an agency in the United States does not thereby have a permanent establishment in the United States, unless the agent has, and habitually exercises, a general authority to negotiate and conclude contracts on behalf of the enterprise, or unless he has control over a stock of merchandise from which he regularly fills orders on its behalf. If the enterprise has an agent in the United States who has power to contract on its behalf, but only at fixed prices and under conditions determined by the enterprise, it does not thereby necessarily have a permanent establishment in the United States. The mere fact that an agent of a Belgian enterprise—assuming he has no general authority to negotiate and conclude contracts on behalf of his principal—maintains samples, or occasionally fills orders from incidental stocks of goods maintained, in the United States does not of itself mean that the enterprise has a permanent establishment in the United States. The mere fact that salesmen, employees of a Belgian enterprise, promote the sale of their employer's products in the United States or that a Belgian enterprise transacts business in the United States by means of mail order activities does not mean that the enterprise has a permanent establishment in the United States. A Belgian enterprise shall not be deemed to have a permanent establishment in the United States merely because it carries on business dealings in the United States through a bona fide commission agent or broker acting in the ordinary course of his business as such.

(iii) *Subsidiary corporation.* The fact that a Belgian corporation has a domestic subsidiary corporation, or a foreign subsidiary corporation which is engaged in trade or business in the United States through a permanent establishment situated therein, does not of itself constitute either subsidiary corporation a United States permanent establishment of the Belgian parent corporation.

(9) *Industrial and commercial profits.* The terms "industrial and commercial profits" means profits arising from industrial, commercial, mercantile, manufacturing, and like activities of an enterprise. It does not include the following:

(i) Income from real property;

(ii) Income from mortgages, public funds, securities (including mortgage bonds) loans deposits, and current accounts;

(iii) Dividends and other income from shares in a corporation;

(iv) Rentals or royalties arising from leasing personal property or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, patents, copyrights, secret processes and formulae, good will, trade marks, trade brands, franchises, and other like property;

(v) Profit or loss from the sale or exchange of capital assets; and

(vi) Compensation for labor or personal services.

(10) *Commissioner* The term "Commissioner" means the Commissioner of Internal Revenue or his duly authorized representative.

(11) *Directeur General.* The term "Directeur General" means the Directeur General de l'Administration des Contributions Directes of Belgium or his duly authorized representative.

§ 504.105 *Industrial and commercial profits*—(a) *In general.* (1) Article III (1) of the convention adopts the principle that an enterprise of one of the contracting States shall not be taxable by the other contracting State in respect of its industrial and commercial profits unless it is engaged in trade or business in the latter State through a permanent establishment situated therein. Accordingly a Belgian enterprise is subject to United States tax upon its industrial and commercial profits, to the extent of such profits from sources within the United States, only if it is engaged in trade or business in the United States at some time during the taxable year through a permanent establishment situated therein.

(2) From the standpoint of the United States tax, Article III (1) has application only to a Belgian enterprise and its industrial and commercial profits from sources within the United States. Thus, a nonresident alien individual who is a citizen or resident of Belgium, or a Belgian corporation or other entity, carrying on an enterprise which is not a Belgian enterprise is subject to tax on such profits pursuant to section 871 (c) or section 882 (a) Internal Revenue Code of 1954, if such alien, corporation, or other entity was engaged in trade or business in the United States at any time during the taxable year, even though it did not have a permanent establishment therein at any time within such year.

(b) *No United States permanent establishment.* A Belgian enterprise is not subject to United States tax with respect to its industrial and commercial profits

from sources within the United States, nor are such profits includible in gross income, if the enterprise at no time during the taxable year in which such profits were derived was engaged in trade or business in the United States through a permanent establishment situated therein. For example, if during the taxable year, an enterprise carried on in Belgium by a nonresident alien individual who is a citizen or resident of Belgium, or by a Belgian corporation, were to sell merchandise, such as textiles, chemicals, or electrical products, in the United States through a bona fide commission agent or broker in the United States acting in the ordinary course of his business as such agent or broker, the profits arising from the sale would not be includible in gross income and would be exempt from United States tax under Article III (1) of the convention. Similarly, if during the taxable year, the enterprise were to secure orders in the United States for such merchandise through its sales agents whose sole function in the United States is sales promotion, the orders being transmitted to Belgium for acceptance, then the profits arising from such sales would not be includible in gross income and would be exempt from United States tax.

(c) *United States permanent establishment*—(1) *In general.* A Belgian enterprise is subject to United States tax with respect to its industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens or foreign corporations, which are subject to tax pursuant to section 871 (c) or section 882 (a) Internal Revenue Code of 1954, if such enterprise at any time during the taxable year in which such profits were derived was engaged in trade or business in the United States through a permanent establishment situated therein. If it was so engaged, it is subject to United States tax upon its entire income from sources within the United States, except to the extent otherwise exempt from United States tax.

(2) *Allocation of profits thereto.* In the determination of the income taxable to such enterprise for purposes of the United States tax, all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, if a Belgian enterprise which had a permanent establishment in the United States at some time during the taxable year were to sell in the United States, through a bona fide commission agent therein acting in the ordinary course of his business as such, merchandise which was produced in Belgium, the profits arising from such sale would be allocable to the permanent establishment to the extent they were derived from sources within the United States, even though the sale was made independently of the permanent establishment.

(3) *Determination of profits thereof.* The industrial and commercial profits allocable to the permanent establishment in the United States shall be its net industrial and commercial profits determined as if the establishment were an independent enterprise engaged in the same or similar activities under the same or similar conditions. Such net profits will, in principle, be determined on the basis of the separate accounts pertaining to such establishment. In arriving at such net profits, there shall be allowed as deductions all expenses, wherever incurred, insofar as they are reasonably allocable to the permanent establishment, including executive and general administrative expenses so allocable. When necessary in making this determination, the Commissioner may rectify the accounts produced, notably to correct errors and omissions or to re-establish the costs, prices or remunerations entered in the books at the value which would prevail between independent persons. In the event that—

(i) An establishment does not produce an accounting showing its own operations, or

(ii) The accounting produced does not correspond to the normal usages of the trade in the United States, or

(iii) The rectifications so provided cannot be effected,

the Commissioner may determine the net industrial and commercial profits by applying to the operations of the establishment such methods or formulae as may be fair and reasonable.

(d) *United States establishment for purchase of merchandise.* Article III (2) of the convention adopts the principle that an enterprise of one of the contracting States is not subject to taxation by the other contracting State in respect of its industrial and commercial profits if it maintains in the latter State only an establishment which confines itself to the purchasing of merchandise for the purpose of supplying establishments which such enterprise maintains in the former State. Accordingly, a Belgian enterprise is not subject to United States tax upon such profits if it maintains in the United States only an establishment confining itself to the purchasing of merchandise for such Belgian enterprise. In the event that such establishment does not so confine itself or in the event that such Belgian enterprise also maintains in the United States any other kind of establishment, then the exemption accorded by Article III (2) shall not apply.

§ 504.106 *Control of a United States enterprise by a Belgian enterprise.* Article V of the convention provides, in effect, that if a Belgian enterprise by reason of its control of a United States enterprise imposes on the latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises shall be adjusted in order to ascertain the true taxable income of each enterprise. The purpose is to place the controlled United States enterprise on a tax parity with an uncontrolled United States enterprise by determining, according to the standard of an uncontrolled enterprise, the true taxable income from the property and business of the controlled enterprise. The basic objective of the article is that if the accounting records do not truly reflect the taxable income from the property and business of the United States enterprise, the Commissioner shall intervene, and, by making such distributions, apportionments or allocations as he may deem necessary of gross income, deductions, credits or allowances, or of any item or element affecting taxable income, between the United States enterprise and the Belgian enterprise by which it is controlled or directed, shall determine the true taxable income of the United States enterprise. The provisions of section 482 of the Internal Revenue Code of 1954, and the regulations thereunder, shall, insofar as applicable, be followed in the determination of the taxable income of the United States enterprise.

§ 504.107 *Income from operation of ships or aircraft.* Under Article VII of the convention, so much of the income from sources within the United States of a Belgian enterprise as consists of earnings derived from the operation of ships or aircraft registered in Belgium shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year the enterprise was engaged in trade or business in the United States through a permanent establishment situated therein. The provisions of Article VII shall not be deemed to affect the provisions for relief from double income taxation on shipping profits contained in the exchange of notes between the United States and Belgium, dated January 28, 1936 (Executive Agreement Series, No. 87; 49 Stat. 3871)

§ 504.108 *Dividends and interest*—(a) *In general.* (1) The rate of United States tax imposed by the Internal Revenue Code of 1954 upon dividends and upon interest on bonds, securities, notes, debentures, or any other form of indebtedness (including interest on obligations of the United States and its instrumentalities and on mortgages and bonds secured by real property) derived from sources within the United States by a nonresident alien individual who is a resident of Belgium or by a Belgian corporation or other entity, shall not exceed 15 percent under the provisions of Articles VIII and VIIIA of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such dividends or interest was derived had a permanent establishment within the United States.

(2) If, for example, a nonresident alien individual who is a resident of Belgium performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from United States sources, as provided in Article VIII of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

§ 504.109 *Real property income and natural resource royalties*—(a) *In general.* Income of whatever nature de-

rived by a nonresident alien who is a resident of Belgium, or by a Belgian corporation or other entity, from real property situated in the United States, including gains derived from the sale or exchange of such property, rentals and royalties from such property, and rentals and royalties in respect of the operation of mines, quarries, timber, or other natural resources situated in the United States, is not exempt from United States tax by the convention. Such items of income are subject to taxation under the provisions of the Internal Revenue Code of 1954 generally applicable to the taxation of nonresident alien individuals and foreign corporations. See Articles VI and IX (1) of the convention. Interest derived from mortgages and bonds secured by real property does not constitute income from real property for the purpose of this section but is subject to the provisions applicable to interest generally. See § 504.108.

(b) *Net basis*—(1) *In general.* Notwithstanding the provisions of paragraph (a) of this section, a nonresident alien who is a resident of Belgium, or a Belgian corporation or other entity, who during the taxable year derives from sources within the United States any rentals or royalties from real property situated in the United States or in respect of the operation of mines, quarries, timber, or other natural resources situated therein may elect for such taxable year to be subject to United States tax on a net basis as though such alien, corporation, or other entity were engaged in trade or business in the United States during such year through a permanent establishment situated therein. See Article IX (1) of the convention.

(2) *Manner of election.* The nonresident alien (including a nonresident alien individual, fiduciary, or partner) who is a resident of Belgium shall signify his election to be subject to tax on such a basis by filing Form 1040B clearly marked at the top of the first page thereof as follows: "Return of Resident of Belgium Electing to File on a Net Basis Pursuant to Article IX of Belgian Income Tax Convention." The Belgian corporation shall signify its election to be subject to tax on such a basis by filing Form 1120 clearly marked at the top of the first page thereof as follows: "Return of Belgian Corporation Electing to File on a Net Basis Pursuant to Article IX of Belgian Income Tax Convention." An election so signified shall be irrevocable for the taxable year for which such election is made. All income from sources within the United States, including gains from the sale or exchange of capital assets or of other property, shall be disclosed on the return so filed. See sections 871 and 882 of the Internal Revenue Code of 1954 and the regulations thereunder.

§504.110 *Patent and copyright royalties and film rentals.* Royalties representing consideration for the right to use copyrights, patents, secret processes and formulae, trade marks, and other analogous rights, including rentals in respect of motion picture films, which are derived from sources within the United States by a nonresident alien individual who is a resident of Belgium, or by a Belgian corporation or other entity, are exempt from United States tax under the provisions of Article IX (2) of the convention if such alien, corporation, or other entity at no time during the taxable year in which such items of income were derived had a permanent establishment in the United States.

§ 504.111 *Government wages, salaries, pensions, and annuities*—(a) *In general.* Under Article X (1) of the convention, amounts constituting wages, salaries, or similar compensation, or pensions or annuities, paid by Belgium or its political subdivisions or territories to individuals residing in the United States who are Belgian citizens (whether or not also citizens of the United States) are not includible in gross income and are exempt from United States tax.

(b) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received, and the term "annuities" means a stated sum payable periodically at stated times under an obligation to make the payments in consideration of money paid.

(c) *Other provisions.* The exclusion from gross income and the exemption from United States tax provided by this section shall not be denied despite the provisions of Article XII (1) of the convention. See § 504.116. As to the taxation generally of compensation of alien employees of foreign governments and the consequences of executing and filing the waiver provided for in section 247 (b) of the Immigration and Nationality Act, see section 893 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 504.112 *Private pensions and annuities*—(a) *In general.* In accordance with Article X (2) of the convention, private pensions and annuities derived from sources within the United States and paid to a nonresident alien individual who is a resident of Belgium shall not be includible in gross income and shall be exempt from United States tax, even though at some time during the taxable year in which such items of income were derived the individual was engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received, and the term "annuities" means a stated sum payable periodically at stated times under an obligation to make the payments in consideration of money paid. Neither term includes retired pay or pensions paid by the United States or by any State or Territory of the United States.

§ 504.113 *Compensation for labor or personal services*—(a) *Exemption from United States tax.* Under Article XI (2) of the convention, compensation received by a nonresident alien individual who is a resident of Belgium for labor or personal services performed in the United States shall not be includible in gross income and shall be exempt from United States tax in either of the following situations:

(1) *Belgian employers.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1953, and where the compensation, regardless of amount, received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1953) for such labor or personal services performed in the United States during such year, was earned as a worker for or an employee of, or under contract with, a nonresident alien who is a resident of Belgium, or a Belgian corporation or other entity. For the exemption from tax provided by this subparagraph to apply, the Belgian resident, or the Belgian corporation or other entity, for whom the labor or personal services are performed must actually bear the expense of such compensation and must not be reimbursed therefor by any other person. For the purpose of the exemption, it is immaterial that the Belgian resident, corporation or other entity for whom the labor or personal services are performed is engaged in trade or business in the United States.

(2) *Other employers.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 90 days during a taxable year beginning on or after January 1, 1953, and where the compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1953) for such labor or personal services performed in the United States during such year does not exceed $3,000 in the aggregate or the equivalent thereof. The provisions of this subparagraph do not apply to remuneration of officers and directors of domestic corporations for services performed as such officers and directors. Application of the provisions of this subparagraph may be illustrated by the following examples:

Example (1). B, a nonresident alien individual who is a resident of Belgium, performs personal services in the United States during the taxable year as an employee of a domestic corporation. His compensation for these services is $5,000. None of this compensation is exempt from United States tax even though B is temporarily present in the United States during such year for a period or periods not exceeding a total of 90 days, since the aggregate compensation received is in excess of $3,000.

Example (2). C, a nonresident alien individual who is a resident of Belgium, is temporarily present in the United States for a period of 60 days during the taxable year. While in the United States he performs personal services for X Company (a domestic corporation) as an officer thereof and for Y Company (a domestic corporation) as an employee thereof. For these services X Company pays him $1,000 and Y Company pays him $2,900. In determining, for the purposes of this subparagraph whether C received compensation for personal services in excess of $3,000, the amount received by him as an officer of X company is not taken into consideration. Therefore, since the compensation received by C for personal services which he performs in the United States during the taxable year is not in ex-

cess of $3,000 and he is temporarily present in the United States for a period not exceeding 90 days, the $2,900 received from Y Company is exempt from United States tax and is not includible in C's gross income. The $1,000 received from X Company is includible in C's gross income.

(b) *Miscellaneous applicable rules.* For purposes of this section, the term "compensation for labor or personal services" shall include, but shall not be limited to, the compensation, profits, emoluments, or other remuneration of public entertainers, such as stage, motion picture, television, or radio artists, musicians, and athletes. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861 through 864 of the Internal Revenue Code of 1954, and the regulations thereunder.

(c) *Certain compensation paid by Belgium.* The provisions of this section have no application to the income to which Article X relates.

§ 504.114 *Visiting professors or teachers*—(a) *In general.* Pursuant to Article XIII of the convention, a professor or teacher, a nonresident alien who is a citizen of Belgium, who temporarily visits the United States for the purpose of teaching for a period not exceeding two years at any university, college, school, or other teaching establishment situated within the United States shall, for a period not exceeding two years from the date of his initial arrival in the United States be exempt from United States tax with respect to his remuneration derived in taxable years beginning on or after January 1, 1953, for such teaching during such period not in excess of two years. The provisions of this paragraph are applicable only to the remuneration of professors or teachers visiting the United States pursuant to an agreement for the exchange of professors and teachers between the United States and Belgium or between a teaching establishment situated in the United States and a teaching establishment situated in Belgium.

(b) *Nonresidence presumed.* An individual who otherwise qualifies for the exemption from United States tax granted by Article XIII shall, for a period of not more than two years immediately succeeding the date of his arrival within the United States for the purpose of such teaching, be deemed to have the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States. See section 871 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 504.115 *Students or apprentices.* Under Article XIV of the convention, a student or apprentice, a nonresident alien who is a citizen of Belgium and who is temporarily present in the United States exclusively for the purposes of study or for acquiring experience of a business, technical, or similar nature, shall be exempt from United States tax with respect to amounts derived by him in taxable years beginning on or after January 1, 1953, and received during such years from without the United States as remittances for the purposes of his maintenance, education, studies, or training.

§ 504.116 *Credit against United States tax for Belgian tax*—(a) *In general.* (1) Notwithstanding any other provision of the convention (except as indicated in subparagraph (2) of this paragraph), the United States, in determining the United States tax of a citizen or resident of the United States, or of a domestic corporation, may, under Article XII (1) of the convention, include in the basis upon which such tax is imposed all items of income taxable under the revenue laws of the United States, as though the convention had not come into effect. For example, despite the exemption from United States tax granted by Article IX (2) of the convention with respect to a copyright royalty derived from sources within the United States by a resident of Belgium, such royalty is includible in gross income and is subject to United States tax when so derived by such resident of Belgium who is a citizen of the United States.

(2) Notwithstanding the provisions of subparagraph (1) of this paragraph, the exclusion from gross income and the exemption from United States tax granted by Article X (1) of the convention with respect to wages, salaries, and similar compensation, and pensions and annuities paid by Belgium or its political subdivisions or territories, shall not be denied. See Article XII (1) of the convention.

(b) *Application of the credit.* For the purpose of mitigating double taxation, Article XII (2) of the convention provides that a citizen or resident of the United States, or a domestic corporation, deriving income from sources within Belgium, shall be allowed a credit against United States tax for the amount of Belgian tax paid or accrued during the taxable year. Such credit shall be made in accordance with the provisions of section 131 of the Internal Revenue Code of 1939 as in effect on September 9, 1953. See 26 CFR (1939) 39.131 (a)–1 through 39.131 (j)–1. For the application of any additional benefits allowed by sections 901 through 905 of the Internal Revenue Code of 1954, see Article XX (1) of the convention.

§ 504.117 *Exchange of information*—(a) *In general.* By Articles XV, XVI, and XVIII of the convention, the United States and Belgium adopt the principle of exchange of such information as is necessary in carrying out the provisions of the convention, preventing fraud, or detecting practices which are aimed at reduction of the revenues of either country, but not including information which would be contrary to public policy or which would disclose any business, industrial, or trade secret. The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner to the Directeur General.

(b) *Return of information by withholding agents.* (1) To facilitate compliance with Article XV of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to persons having addresses in Belgium, which shall be filed for the calendar year 1955 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2) section 631 (b) and (c) and section 1235, Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Belgium, including such items of income upon which, in accordance with the withholding regulations under the convention, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–B or substitute Form 1001–B has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

(c) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XV of the convention, the Commissioner will transmit to the Directeur General, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001–B, and substitute Form 1001–B, filed pursuant to the withholding regulations under the convention, in connection with coupon bond interest.

(d) *Information in specific cases.* Under the provisions and limitations of Articles XVI and XVIII of the convention and upon the request of the Directeur General, the Commissioner shall furnish to the Directeur General information available to, or obtainable by, the Commissioner relative to the tax liability of any person under the revenue laws of Belgium in any case in which such information is necessary to the administration of the provisions of the convention or of statutory provisions against tax avoidance, or in which such information is necessary for the prevention of fraud.

§ 504.118 *Double taxation claims*—(a) *In general.* Under Article XIX of the convention, where the taxpayer presents proof that the action of the tax authorities of the United States or Belgium has resulted, or will result, in duble taxation contrary to the provisions of the convention, he is entitled to lodge a claim with the country of which he is a citizen; or, if he is not a citizen of

either country, with the country of which he is a resident; or, if the taxpayer is a corporation or other entity, with the country in which it is created or organized. The article provides that, should the taxpayer's claim be upheld, the competent authority of the country with which the claim is lodged shall undertake to come to an agreement with the competent authority of the other country with a view to equitable avoidance of the double taxation in question.

(b) *Manner of filing claim.* Such a claim on behalf of a United States citizen, corporation, or other entity, or on behalf of a resident of the United States who is not a Belgian citizen, shall be filed with the Commissioner. The claim shall be set up in the form of a letter addressed to "The Commissioner of Internal Revenue, Washington 25, D. C." and shall show fully all facts and law on the basis of which the claimant alleges that such double taxation has resulted or will result. If the Commissioner determines that there is an appropriate basis for the claim under the convention, he shall take up the matter with the Directeur General with a view to arranging an agreement of the character contemplated by Article XIX.

§ 504.119 *Beneficiaries of an estate or trust.* (a) If he otherwise satisfies the requirements of the respective articles concerned, a nonresident alien who is a resident of Belgium and who is a beneficiary of an estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles VIII, VIIIA, and IX (2) of the convention with respect to dividends, interest, and patent royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items, and (2) such items would, without regard to the convention, be includible in his gross income.

(b) For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary see subchapter J of chapter 1 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 504.120 *Members of a partnership*— (a) *In general.* Whether an individual, corporation, or other entity, a member of a partnership created or organized in Belgium or under Belgian laws, is subject to United States tax upon such person's distributive share of the income of such partnership depends upon both the status of the partnership and the status of such member.

(b) *Citizen partner* A citizen or resident of the United States, or a domestic corporation, is subject to United States tax upon such person's distributive share of the income of such partnership as though the convention had not come into effect (but subject to the provisions of § 504.116) even though other members, by reason of benefits granted by the convention, are not subject to United States tax upon their distributive share of such income.

(c) *Noncitizen partner* In any case in which income is derived from sources within the United States by a partnership created in Belgium or under Belgian laws, any member of such partnership who has a permanent establishment in the United States or who is either a nonresident alien not a resident of Belgium or is a foreign corporation which is not Belgian is not entitled, with respect to such member's distributive share of such income, to any benefit granted by the convention solely to nonresident aliens residing in Belgium or to Belgian corporations or other entities, having no permanent establishment in the United States. Conversely, any member of such partnership who individually complies with the requirements for obtaining any such benefit will be entitled thereto with respect to such member's distributive share of such income. A member of a Belgian partnership which has a permanent establishment in the United States shall likewise be considered to have a permanent establishment in the United States.

§ 504.121 *Withholding regulations.* For regulations pertaining to the release of excess tax withheld, and to exemption from or reduction in rate of withholding of United States tax at source, in the case of dividends, interest, patent and copyright royalties, film rentals, private pensions and annuities derived from sources within the United States by a nonresident alien who is a resident of Belgium, or by a Belgian corporation or other entity, see Treasury Decision 6056, approved December 4, 1953 (26 CFR (1939) 7.1100 through 7.1109)

[F. R. Doc. 55-7881; Filed, Sept. 28, 1955; 8:53 a. m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF ETHYLENE DIBROMIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1) 68 Stat. 512; 21 U. S. C. 346a (d) (1)) the following notice is issued:

A petition has been filed by the Dow Chemical Company, Midland, Michigan, requesting the establishment of the following tolerances for residues that result from the use of ethylene dibromide to fumigate soil in connection with the production of the following raw agricultural commodities:

Raw agricultural commodity	*Proposed tolerances inorganic bromide (parts per million)*
Asparagus	10
Carrots	100
Carrot tops	100
Cauliflower	10
Celery	100
Corn	50
Cottonseed	200
Lettuce	20
Lima beans	5
Potatoes, Irish	75
Parsnips	75
Strawberries	5
Sugar beets	5
Sugar beet tops	100
Sweetpotatoes	50
Turnips and rutabagas	75

The analytical method set out in the petition is reported in Analytical Edition of Industrial and Engineering Chemistry, Volume 14, pages 1-4, January 15, 1942.

Dated: September 22, 1955.

[SEAL] GEO. P LARRICK,
Commissioner of Food and Drugs.

[F R. Doc. 55-7868; Filed, Sept. 28, 1955; 8:50 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITIONS FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF PIPERONYL BUTOXIDE AND RESIDUES OF PYRETHRINS

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1) 68 Stat. 512; 21 U. S. C. 346a (d) (1)) the following notice is issued:

Petitions have been filed by the Food Machinery and Chemical Corporation, Middleport, New York, for the establishment of tolerances for residues of piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) at 27 parts per million and for residues of pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) at 2.7 parts per million in or on corn, wheat, buckwheat, oats, barley, rye, flaxseed, rice, popcorn, peanuts, beans, and peas.

The analytical method proposed in the petition for determining residues of piperonyl butoxide is the colorimetric method reported by Jones, Ackermann, and Webster in the Journal of the Association of Official Agricultural Chemists, Volume 35, pages 771-780, August 1952.

The petition for a tolerance for pyrethrins asserts that since the highest ratio of pyrethrins to piperonyl butoxide used in protectant treatment of grain and other commodities on which the tolerance is requested is 1:10, and because pyrethrins decompose more rapidly under exposure conditions than does piperonyl butoxide, the residual amounts of pyrethrins on the raw agricultural commodities could never be more than one-tenth of the values found for piperonyl butoxide residues. The petition proposes the determination of maximum pyrethrin residue by determining piperonyl butoxide residue and multiplying it by the factor 0.1.

Dated: September 23, 1955.

[SEAL] GEO. P LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-7871; Filed, Sept. 28, 1955; 8:51 a. m.]

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR EXTENSION OF TOLERANCE FOR RESIDUES OF SYSTOX (0,0-DIETHYL-(2-ETHYLMERCAPTOETHYL) THIOPHOSPHATE, A MIXTURE OF THE THIONO AND THIOL ISOMERS)

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1) 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Chemagro Corporation, 101 Park Avenue, New York, New York, proposing that the tolerance for residues of Systox (*0,0*-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of the thiono and thiol isomers) at 0.75 part per million established for various other raw agricultural commodities be extended to beans. The petition proposes that residues of Systox in or on beans be determined by the same method as that published in the FEDERAL REGISTER of April 29, 1955, under "Notice of Filing of Petition for Establishment of Tolerance for Residues of Systox" (20 F. R. 2892)

Dated: September 22, 1955.

[SEAL] GEO P. LARRICK,
Commissioner of Food and Drugs.

[F. R. Doc. 55-7809; Filed, Sept. 23, 1955, 8:50 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

United States Coast Guard

[CGFR 55-44]

APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521) and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026) and in compliance with the authority cited with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, BALSA WOOD (JACKET TYPE) MODELS 42 AND 46

Approval No. 160.004/7/0, Model 42, adult balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Billy Boy Products, Inc., Quincy, Mich.

Approval No. 160.004/8/0, Model 46, child balsa wood life preserver, U. S. C. G. Specification Subpart 160.004, manufactured by Billy Boy Products, Inc., Quincy, Mich.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 393, 367, 526e, 526p, 1333; E. O. 10402, 17 F. R 9917, 3 CFR, 1952 Supp., 46 CFR 160.004)

CLEANING PROCESSES FOR LIFE PRESERVERS

(Where buoyancy fillers are not removed from envelope covers during cleaning process)

Approval No. 160.006/12/1, Rightway cleaning process for kapok life preservers of all types and fibrous glass life preservers with vinyl covered pad inserts as outlined in letter of May 10, 1943, from Rightway Mattress Co., 4410 Austin Boulevard, Island Park, N. Y. (Supersedes Approval No. 160.006/12/0 published in FEDERAL REGISTER October 6, 1953.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.006)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A 1, or 2 not carrying passengers for hire.

Approval No. 160.047/33/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica, N. Y.

Approval No. 160.047/39/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica, N. Y.

Approval No. 160.047/40/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica, N. Y.

Approval No. 160.047/41/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.047/42/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.047)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/12/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4 (c) (1) (i), manufactured by Merit Manufacturing Corp., 92-15 172d Street, Jamaica 3, N. Y.

Approval No. 160.048/18/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4 (c) (1) (i), manufactured by The Safeguard Corp., Box 66, Station B, Cincinnati, Ohio.

Approval No. 160.048/19/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4 (c) (1) (i) manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.048/20/0, special approval for 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, The American Pad & Textile Co. dwg. Nos. A-453, dated July 18, 1955, and B-245, dated February 15, 1955, manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Sears, Roebuck & Co., 925 South Homan Avenue, Chicago 7, Ill.

Approval No. 160.048/21/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4 (c) (1) (i) manufactured by The American Pad & Textile Co., Greenfield, Ohio, for Spiegel, Inc., 1061 West 35th Street, Chicago 9, Ill.

Approval No. 160.048/22/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048-4 (c) (1) (ii) manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.048/23/0, 14" x 17" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, dwg. No. 72755, dated July 27, 1955, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.048/24/0, 14" x 19" x 2" rectangular ribbed-type kapok

buoyant cushion, 24 oz. kapok, dwg. No. 72755, dated July 27, 1955, manufactured by Atlantic - Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y.

Approval No. 160.048/25/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i) manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn 1, N. Y., for Neptune Specialties, Inc., 14 North Chatsworth Avenue, Larchmont, N. Y.

Approval No. 160.048/27/0, special approval for 14¼" x 16" x 2" rectangular ribbed-type kapok buoyant cushion, 21 oz. kapok, dwg. No. 3, dated August 1, 1955, and bill of material dated August 5, 1955, manufactured by Red Head Brand Co., 4311 Belmont Avenue, Chicago 41, Ill.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.049/6/0, group approval for rectangular and trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1) manufactured by The Safegard Corp., Box 66, Station B, Cincinnati, Ohio.

Approval No. 160.049/7/0, group approval for rectangular or trapezoidal unicellular plastic foam buoyant cushions, U. S. C. G. Specification Subpart 160.049, sizes to be as per Table 160.049–4 (c) (1) manufactured by Merit Manufacturing Corp., 92–15 172d Street, Jamaica 3, N. Y.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.049)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/1/0, 30-inch unicellular plastic ring life buoy, U. S. C. G. Specification Subpart 160.050 and dwg. Nos. C–12150 and C–12153 both dated June 28, 1955, manufactured by B. F. Goodrich Sponge Products, Division of the B. F Goodrich Co., Shelton, Conn.

Approval No. 160.050/2/0, 24-inch unicellular plastic ring life buoy, U. S. C. G. Specification Subpart 160.050 and dwg. Nos. C–12150 and C–12153 both dated June 28, 1955, manufactured by B. F Goodrich Sponge Products, Division of the B. F. Goodrich Co., Shelton, Conn.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4488, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, sec. 3, 54 Stat. 1333, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 526e, 526p, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp., 46 CFR 160.050)

VAPORIZING-LIQUID TYPE HAND PORTABLE FIRE EXTINGUISHERS

Approval No. 162.004/18/1, Fyr-Fyter Model A, Model No. 10–2, 1-qt. carbon tetrachloride vaporizing-liquid pump type hand portable fire extinguisher, assembly dwg. No. 10–2, Rev. A dated June 16, 1954, instruction plate dwg. No. 3989, issue of April 17, 1952 (Coast Guard classification: Type B, Size I, and Type C, Size I) manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.004/18/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.004/19/1, Fyr-Fyter Model A, Model No. 11–2, 1½-qt. carbon tetrachloride vaporizing-liquid pump type hand portable fire extinguisher, assembly dwg. No. 11–2, Rev. A dated June 16, 1954, instruction plate dwg. No. 3990, issue of April 17, 1952 (Coast Guard classification: Type B, Size I, and Type C, Size I) manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.004/19/0 published in FEDERAL REGISTER October 1, 1952.)

Approval No. 162.004/20/1, Fyr-Fyter The Captain, Model No. 24–4, 1-gal. carbon tetrachloride vaporizing - liquid pump type hand portable fire extinguisher, for tank barges only, assembly dwg. No. 24–4, Rev. A dated June 16, 1954, instruction plate dwg. No. 2136, issue of February 7, 1948, manufactured by The Fyr-Fyter Co., Dayton 1, Ohio. (Supersedes Approval No. 162.004/20/0 published in FEDERAL REGISTER October 1, 1952.)

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, and 54 Stat. 165, 166, 346, 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, CHEMICAL FOAM TYPE

Approval No. 162.006/41/0, S. O. S. Defender (Symbol EL) 2½-gal. chemical foam type hand portable fire extinguisher, assembly dwg. No. C–30234, Alt. C dated December 29, 1954, name plate dwg. No. B–30353 dated April 28, 1950, issue of July 5, 1955 (Coast Guard classification: Type A, Size II, and Type B, Size II) manufactured for Schwartz Brothers, Inc., 827 Arch Street, Philadelphia 7, Pa., by Elkhart Brass Mfg. Co., Inc., 1302 West Beardsley Avenue, Elkhart, Ind.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, as amended, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 404, 463a, 472, 489, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

SODA-ACID TYPE HAND PORTABLE FIRE EXTINGUISHER

Approval No. 162.007/52/0, S. O. S. Defender (Symbol EL) 2½-gal. soda-acid type hand portable fire extinguisher, assembly dwg. No. C–30265, Alt. D dated March 15, 1955, issue of July 5, 1955, and name plate dwg. No. B–30354 dated April 28, 1950, issue of July 5, 1955 (Coast Guard classification: Type A, Size II), manufactured for Schwartz Brothers, Inc., 827 Arch Street, Philadelphia 7, Pa., by Elkhart Brass Mfg. Co., Inc., 1302 West Beardsley Avenue, Elkhart, Ind.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

FIRE EXTINGUISHERS, PORTABLE, HAND, DRY-CHEMICAL TYPE

Approval No. 162.010/21/0, General Quick Aid Fire Guard (Symbol GE or GEN) Model DC–10, 10-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 611–X, Rev. F dated September 16, 1954, name plate dwg. No. 611–1G, Rev. C dated July 20, 1954 (Coast Guard classification: Type B, Size I; and Type C, Size I), manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.010/22/0, General Quick Aid Fire Guard (Symbol GE or GEN), Model DC–20, 20-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 621–X, Rev. E dated September 16, 1954, name plate dwg. No. 621–1G, Rev. C dated July 20, 1954 (Coast Guard classification: Type B, Size II; and Type C, Size II) manufactured by The General Detroit Corp., 2272 East Jefferson Avenue, Detroit 7, Mich.

Approval No. 162.010/24/0, General Quick Aid Fire Guard (Symbol GEP), Model DC–10, 10-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 611–X, Rev. F dated September 16, 1954, name plate dwg. No. 611–1G, Rev. C dated July 20, 1954 (Coast Guard classification: Type B, Size I; and Type C, Size I) manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

Approval No. 162.010/25/0, General Quick Aid Fire Guard (Symbol GEP), Model DC–20, 20-lb. dry chemical pressure cartridge operated type hand portable fire extinguisher, assembly dwg. No. 621–X, Rev. E dated September 16, 1954, name plate dwg. No. 621–1G, Rev. C dated July 20, 1954 (Coast Guard classification: Type B, Size II, and Type C, Size II) manufactured by The General Pacific Corp., 1501 East Washington Boulevard, Los Angeles 21, Calif.

(R. S. 4405, 4417a, 4426, 4479, 4491, 4492, 49 Stat. 1544, 54 Stat. 165, 166, 346, 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 472, 489, 490, 526g, 526p, 1333; 46 CFR 25.30, 34.25–1, 76.50, 95.50)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/27/1, Crane Champion Model No. C–20–A, liquefied petroleum gas hot water heater, approval by the American Gas Association, Inc., under Certificate No. 3–651–1.011–3, manufactured by Bastian-Morley Co., Inc., La Porte, Ind. (Reinstates and supersedes Approval No. 162.020/27/0 terminated in the FEDERAL REGISTER, August 13, 1955.)

Approval No. 162.020/35/1, Crane Champion Model No. C–30–A, liquefied petroleum gas hot water heater, ap-

proved by the American Gas Association, Inc., under Certificate No. 3–651–1.201–3, manufactured by Bastian-Morley Co., Inc., La Porte, Ind. (Supersedes Approval No. 162.020/35/0 published in the FEDERAL REGISTER October 4, 1951.)

Approval No. 162.020/36/1, Crane Champion Model No. C–40–A, liquefied petroleum gas hot water heater, approved by the American Gas Association, Inc., under Certificate No. 3–(651–1.1 and –3.1) .001–3X, manufactured by Bastian-Morley, Inc., La Porte, Ind. (Supersedes Approval No. 162.020/36/0 published in the FEDERAL REGISTER October 4, 1951.)

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, and sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333; 46 CFR 55.16–10)

INCOMBUSTIBLE MATERIALS

Approval No. 164.009/21/1, "Fiberglas Insulation Type PF–334" glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1624. FP2806, dated August 9, 1949, approved in a one-half pound per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio. (Supersedes Approval No. 164.009/21/0 published in FEDERAL REGISTER December 8, 1954.)

Approval No. 164.009/22/1, "Fiberglas Insulation Type PF–336," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1624: FP2806, dated August 9, 1949, approved in a one pound per cubic foot density, manufactured by Owens-Corning Fiberglas Corp., Toledo 1, Ohio. (Supersedes Approval No. 164.009/22/0 published in FEDERAL REGISTER December 8, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp., 46 CFR 164.009)

FIRE INDICATING AND ALARM SYSTEMS

DETECT-A-FIRE, Type 7021–2, Fire Alarm Thermostat, having temperature ratings of 140° F., and 225° F., for use with approved open-circuit type Fire Indicating and Alarm Systems. Approved as affording protection of an area where no point on the overhead is more than 17.5 feet from the thermostat except that, where beams or girders of over 12 inches in depth are employed, the overhead on each side of the beam or girder shall be considered as separate areas for the purpose of this spacing limitation; the space limitation appearing on the drawing shall be disregarded for the purpose of this approval. Identified by dwg. No. 27021–2, Revision GD, manufactured by Fenwal, Inc., Ashland, Mass. (Supersedes approval published in FEDERAL REGISTER May 7, 1955.)

(R. S. 4405, and 4426, as amended, 49 Stat. 1544, 54 Stat. 346, 1028, as amended; and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 375, 404, 367, 1333, 463a; 46 CFR 76.05, and 95.05)

Dated: September 23, 1955.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F R. Doc. 55–7875; Filed, Sept. 28, 1955; 8:51 a. m.]

[CGFR 55–45]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F R. 8026) and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because (1) the manufacturer is no longer in business; or (2) the manufacturer does not desire to retain the approval; or (3) the item is no longer being manufactured; or (4) the item of equipment no longer complies with present Coast Guard requirements; or (5) the approval has expired. Except for those approvals which have expired, all other terminations of approvals made by this document shall be made effective upon the thirty-first day after the date of publication of this document in the FEDERAL REGISTER. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

DAVITS, LIFEBOAT

Termination of Approval No. 160.032/108/0, gravity davit, Type 22–24, approved for maximum working load of 11,500 pounds per set (5,750 pounds per arm) using 2 part falls, identified by General Arrangement dwg. No. DG–101–1, Alt. F dated December 10, 1948, and revised April 10, 1950, manufactured by Marine Safety Equipment Corporation, Point Pleasant, N. J. (Approved FEDERAL REGISTER October 3, 1950. Termination of approval effective October 3, 1955.)

Termination of Approval No. 160.032/118/0, aluminum gravity davit, Type LO–100, approved for maximum working load of 20,000 pounds per set (10,000 pounds per arm) using 2 part falls, identified by Arrangement dwg No. 3326 dated January 30, 1950, manufactured by the Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 3, 1950. Termination of approval effective October 3, 1955.)

Termination of Approval No. 160.032/124/0, mechanical davit, aluminum, straight boom sheath screw, type B–11–A, approved for maximum working load of 2,200 pounds per set (1,100 pounds per arm) using 4 part falls, identified by General Arrangement dwg. No. 3161–3 dated September 10, 1949, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N. J. (Approved FEDERAL REGISTER October 3, 1950. Termination of approval effective October 3, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4491, as amended, 4493, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 63 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp., 46 CFR 169.032)

LIFEBOATS

Termination of Approval No. 160.035/203/1, 24.0′ x 8.0′ x 3.73′ steel, oar-propelled lifeboat, 40-person capacity, identified by Construction and Arrangement dwg. No. 24–1, dated May 16, 1946, and revised July 5, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER October 3, 1950. Termination of approval effective October 3, 1955.)

Termination of Approval No. 160.035/242/0, 26.0′ x 8.25′ x 3.37′ aluminum, oar-propelled lifeboat, 48-person capacity, identified by Construction and Arrangement dwg. No. 26–3, dated January 4, 1949, and revised July 24, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER October 3, 1950. Termination of approval effective October 3, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4491, as amended, 4493, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 63 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 499, 396, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp., 46 CFR 169.035)

VALVES, SAFETY (POWER BOILERS)

Termination of Approval No. 162.001/137/0, Style HNA–MS–55, carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 650° F. maximum temperature, dwg. No. HV–25–MS, issued June 3, 1950, and dwg. No. D–28167 issued March 11, 1947, approved for sizes 1½″ 2″ 2½″, 3″ and 4″ manufactured by Crosby Steam Gage and Valve Company, 43 Kendrick Street, Wrentham, Mass. (Approved FEDERAL REGISTER October 3, 1950. Termination of approval effective October 3, 1955.)

Termination of Approval No. 162.001/138/0, Style HNA–MS–56, carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 750° F. maximum temperature, dwg. No. HV–25–MS, issued June 30, 1950, and dwg. No. D–28167, issued March 11, 1947, approved for sizes 1½″ 2″, 2½″ 3″ and 4″ manufactured by Crosby Steam Gage and Valve Company, 43 Kendrick Street, Wrentham, Mass. (Approved FEDERAL REGISTER October 3,

1950. Termination of approval effective October 3, 1955.)

Termination of Approval No. 162.001/139/0, Style HNA–MS–57, alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 900° F maximum temperature, dwg. No. HV–26–MS, issued June 5, 1950, and dwg. No. D–28167, issued March 11, 1947, approved for sizes 1½" 2" 2½" 3" and 4" manufactured by Crosby Steam Gage and Valve Company, 43 Kendrick Street, Wrentham, Mass. (Approved FEDERAL REGISTER October 3, 1950. Termination of approval effective October 3, 1955.)

Termination of Approval No. 162.001/140/0, Style HNA–MS–58, alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 1,500 p. s. i. primary service pressure rating, 1,000° F maximum temperature, dwg. No. HV–26–MS, issued June 5, 1950, and dwg. No. D–28167, issued March 11, 1947, approved for sizes 1½", 2" 2½" 3" and 4" manufactured by Crosby Steam Gage and Valve Company, 43 Kendrick Street, Wrentham, Mass. (Approved FEDERAL REGISTER October 3, 1950. Termination of approval effective October 3, 1955.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426, as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 392, 404, 411, 489, 367, 1333; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp., 46 CFR 162.001)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Termination of Approval No. 162.020/37/0, South Bend Model No. 3000–A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11–44–1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind. (Approved FEDERAL REGISTER January 19, 1951.)

Termination of Approval No. 162.020/38/0, South Bend Model No. 3003–A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11–44–1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind. (Approved FEDERAL REGISTER January 19, 1951.)

Termination of Approval No. 162.020/39/0, South Bend Model No. 3020–A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11–44–1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind. (Approved FEDERAL REGISTER January 19, 1951.)

Termination of Approval No. 162.020/40/0, South Bend Model No. 3023–A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11–44–1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind. (Approved FEDERAL REGISTER January 19, 1951.)

Termination of Approval No. 162.020/41/0, South Bend Model No. 3025–A liquefied gas burning range, approved by the American Gas Association, Inc., under Certificate No. 11–44–1.101, manufactured by The Malleable Steel Range Manufacturing Co., Inc., South Bend 21, Ind. (Approved FEDERAL REGISTER January 19, 1951.)

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, and sec. 2, 54 Stat. 1028, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333; 46 CFR 55.16–10)

Dated: September 23, 1955.

[SEAL] J. A. HIRSHFIELD,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

[F. R. Doc. 55–7876; Filed, Sept. 28, 1955; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Doc. 69]

ARIZONA

ORDER OPENING LANDS TO MINERAL LOCATION, ENTRY AND PATENT

SEPTEMBER 22, 1955.

1. Pursuant to determinations by the Bureau of Reclamation under the act of April 23, 1932 (47 Stat. 136; 43 U. S. C. 154) and in accordance with the authority delegated by Document number 43, Arizona, effective May 19, 1955 (20 F R. 3514–15) it is ordered as follows:

2. Subject to valid existing rights and the provisions of existing withdrawals, the following described lands shall, commencing at 10:00 a. m., m. s. t., on October 27, 1955, be opened to location, entry, and patenting under the United States mining laws, subject to the stipulation quoted below, to be executed and acknowledged in favor of the United States by the locators for themselves, their heirs, successors and assigns, and recorded in the county records and in the United States Land Office at Phoenix, Arizona, before any rights attached thereto:

GILA AND SALT RIVER MERIDIAN

T. 27 N., R. 10 E.,
Sec. 22: Lots 1 to 4 inclusive, NW¼, W½ SW¼.

The area described total 405.80 acres of public land.

Stipulation:

In carrying on the mining and milling operations contemplated hereunder, locator will, by means of substantial dikes, or other adequate structures, confine all tailings, debris and harmful chemicals in such a manner that the same shall not be carried into the Little Colorado River by storm waters, or otherwise.

There is reserved to the United States, its agents and employees, at all times, free ingress to, passage over and egress from all of the above described lands for the purpose of inspection; there is further reserved to the United States, its successors and assigns the prior right to use any of the lands hereinabove described, to construct, operate, and maintain dams, dikes, reservoirs, canals, wasteways, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant works, including right to take and remove from the lands hereinabove described such construction materials as may be required in the construction of irrigation works, without payment made by the United States, or its successor for such rights. The locator further agrees that the United States, its officers, agents and employees and its successors and assigns, shall not be held liable for any damage to the improvements or workings of the locator resulting from the construction, operation and maintenance of any works of the United States and/or the removal of construction materials from the lands hereinabove described.

3. Inquiries concerning these lands shall be addressed to the Manager, Arizona Land Office, Bureau of Land Management, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRACITT,
State Lands and Minerals
Staff Officer

[F. R. Doc. 55–7843; Filed, Sept. 28, 1955; 8:46 a. m.]

[No. 10 (A–2)]

UTAH

RESTORATION OF RECLAMATION WITHDRAWN LANDS TO MINERAL LOCATION, ENTRY AND PATENT

SEPTEMBER 19, 1955.

Pursuant to a determination by the Bureau of Reclamation under the Act of April 23, 1932 (47 Stat. 136; 43 U. S. C. 154) and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Subject to valid existing rights, provisions of existing withdrawals and the following stipulations and reservations the lands described below so far as they are withdrawn for reclamation purposes are hereby restored to location, entry and patent under the mining laws.

SALT LAKE BASE AND MERIDIAN, UTAH

T. 2 N., R. 20 E.,
Sec. 10: Lots 1, 2, and 3, NE¼NE¼, S½N½, and S½,
Sec. 11. Lots 6 to 16, inclusive, N½NW¼, and SW¼NW¼.

These lands total 961.08 acres.

With respect to the above-described lands it is stipulated:

(1) Such action will not permit any locations under the placer mining law for sand, gravel or other construction material;

(2) All mineral leases and entries that may be issued or allowed on said lands shall be subject to the right of the United States to enter upon and make investigations, surveys, and tests for reclamation works; and

(3) All locations for said land shall be subject to the following provision:

This location is made subject to the provision that if and when the lands are actually required for reclamation purposes, they may be utilized by the United States without payment, and any structures or improvements placed on the lands which may interfere with contemplated reclamation works will be removed or relocated without expense to the United States, its successors or assigns.

The substance of the above stipulations and reservations shall be incorporated in any mineral patent which may subsequently issue for the lands described hereinabove.

This order shall not otherwise become effective to change the status of these lands until 10:00 a. m., on October 25, 1955. Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah.

WM. N. ANDERSEN,
State Supervisor

[F. R. Doc. 55-7846; Filed, Sept. 28, 1955; 8:46 a. m.]

[No. 11 (A-2)]

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT

SEPTEMBER 19, 1955.

Pursuant to Determination DA-86, Utah, of the Federal Power Commission and in accordance with the authority delegated to me by the Director, Bureau of Land Management, in Order No. 541, dated April 21, 1954 (19 F R. 2473), it is ordered as follows:

The lands hereinafter described, so far as they are reserved for power purposes, are hereby restored to disposition under the public sale law, subject to provisions of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, 16 U. S. C. 818) as amended:

SALT LAKE BASE MERIDIAN, UTAH

T. 14 N., R. 6 E.,
Sec. 29: Lot 1.

The area described totals 9.27 acres of public lands.

The land is located six miles north of Laketown, Utah, on the east shore of Bear Lake and can be reached by graded, graveled road. It consists of a series of four narrow lake terraces of sandy loam, underlain with shore gravel.

No application for these lands will be allowed under the homestead, desert-land, small tract, or any other non-mineral public land law, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The lands described shall be subject to application by the State of Utah for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph.

This order shall not otherwise become effective to change the status of such land until 10:00 a. m. on October 25, 1955. At that time the said land shall become subject to application, petition, location and selection under the applicable public sale law, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended. All applications filed pursuant to the Veterans' Preference Act of 1944, on or before 10:00 a. m. of October 25, 1955, shall be treated as though simultaneously filed at that time. All other applications under the public land laws filed on or before 10:00 a. m. of January 24, 1956, shall be treated as though simultaneously filed at that time.

Inquiries concerning these lands shall be addressed to the State Supervisor, Bureau of Land Management, Post Office Box No. 777, Salt Lake City 10, Utah.

WM. N. ANDERSEN,
State Supervisor

[F. R. Doc. 55-7847; Filed, Sept. 28, 1955; 8:46 a. m.]

[No. 15 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 19, 1955.

An application, serial number Utah 013925, for the withdrawal from prospecting, location, entry or purchase under the mining laws, of the lands described below was filed on November 24, 1954, by the Atomic Energy Commission. The purposes of the proposed withdrawal: for use by Atomic Energy Commission.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, Post Office Box No. 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 27: That part of E½NW¼ lying south of U. S. Highway 160;
Sec. 28: NW¼SE¼.

WM. N. ANDERSEN,
State Supervisor.

[F. R. Doc. 55-7844; Filed, Sept. 28, 1955; 8:46 a. m.]

[No. 16 (A-2)]

UTAH

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

SEPTEMBER 19, 1955.

An application, serial number Utah 016611, for the withdrawal from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, was filed August 12, 1955, by the Department of the Army.

The purpose of the proposed withdrawal: Expansion of the operationally available land within Danger Area D-250, presently a part of the Wendover Bombing and Gunnery Range, Utah.

For a period of 30 days from the date of publication of this notice, persons having cause to object to the proposed withdrawal may present their objections in writing to the State Supervisor, Bureau of Land Management, Department of the Interior, Post Office Box No. 777, Salt Lake City 10, Utah. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER, either in the form of a public land order or in the form of a Notice of Determination if the application is rejected. In either case, a separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN

T. 4 N., R. 14 W. All.
T. 4 N., R. 15 W. All.
T. 4 N., R. 16 W. All.
T. 5 N., R. 14 W. All.
T. 5 N., R. 15 W. All.
T. 5 N., R. 16 W. All.
T. 4 N., R. 13 W.,
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34.
T. 5 N., R. 13 W.,
Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34.
T. 2 N., R. 16 W.,
Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36
T. 3 N., R. 16 W.,
Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36.

WM. N. ANDERSEN,
State Supervisor

[F. R. Doc. 55-7845; Filed, Sept. 28, 1955; 8:46 a. m.]

National Park Service

[Order 1]

ASSISTANT SUPERINTENDENT AND ADMINISTRATIVE OFFICER, HAWAII NATIONAL PARK

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

SEPTEMBER 2, 1955.

SECTION 1. Assistant Superintendent and Administrative Officer. The Assistant Superintendent and Administrative Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent and Administrative Officer in behalf of any coordinated area.

SEC. 2. *Appeals.* Any party aggrieved by any action or decision of the Assistant Superintendent or Administrative Officer shall have a right of appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of the action taken or decision made by the Assistant Superintendent or Administrative Officer.

(National Park Service Order No. 14 (19 F. R. 8824); 39 Stat. 535; 16 U. S. C. 1952 ed., sec. 2. Region Four Order No. 2 (19 F. R. 8824))

[SEAL] JOHN B. WOSKY,
Superintendent,
Hawaii National Park.

[F. R. Doc. 55-7848; Filed, Sept. 28, 1955; 8:47 a. m.]

Office of Territories

[Alaska Public Works Memorandum 6]

DIRECTOR, ALASKA PUBLIC WORKS

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS

SEPTEMBER 23, 1955.

SECTION 1. This memorandum supplements subsection 5 (f) of Alaska Public Works Memorandum No. 1.

SEC. 2. The Director, Alaska Public Works, Division of Alaskan Affairs, Office of Territories is hereby authorized for the period ending September 1, 1956, to negotiate, without advertising, under subdivision 302 (c) (4) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., sec. 252 et seq.) contracts for the services of architectural and engineering firms in connection with the administration of the Alaska Public Works Act (63 Stat. 627, 48 U. S. C., sec. 486 et seq.) as amended (68 Stat. 483)

SEC. 3. The authority granted in Section 1 of this memorandum shall be exercised in accordance with the applicable limitations and requirements of the Federal Property and Administrative Services Act, particularly sections 304 and 307, and in accordance with policies, procedures and controls prescribed by the General Services Administration.

SEC. 4. The Director, Alaska Public Works, Division of Alaskan Affairs, Office of Territories shall not redelegate or authorize redelegation of the authority granted in Section 1 of this memorandum.

SEC. 5. This memorandum shall be effective immediately upon publication in the FEDERAL REGISTER.

ANTHONY T. LAUSI,
Director

[F R. Doc. 55-7849; Filed, Sept. 28, 1955; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Stabilization Service

1955 CROPS OF UPLAND COTTON AND EXTRA LONG STAPLE COTTON

NOTICE OF REDELEGATIONS OF AUTHORITIES OF STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEES

Section 722.688 of the Cotton Marketing Quota Regulations for the 1955 Crop of Upland Cotton (20 F R. 3979) and Section 722.1288 of the Cotton Marketing Quota Regulations for the 1955 Crop of Extra Long Staple Cotton (20 F. R. 3989) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301-1376) provide that authorities delegated to the State Agricultural Stabilization and Conservation Committees by such regulations may be redelegated by such committees. In accordance with Section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)) which requires delegations of authorities to be published in the FEDERAL REGISTER, there are set out herein the redelegations of authorities which have been made by State Agricultural Stabilization and Conservation Committees of authorities vested in such committees by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authorities appear and the persons, designated by name or by title, or both, to whom the authorities have been redelegated:

ALABAMA

Section 722.658 (a) County ASC Committees in all cotton producing counties.

CALIFORNIA

Sections 722.658 (a), 722.676 (c), 722.677 (g), 722.680 (c), 722.1258 (a), 722.1276 (c), 722.1277 (g), and 722.1280 (c) J. T. Moody, Program Specialist; Stanley L. Hill, District Farmer Fieldman; and Main S. Wall, District Farmer Fieldman.

FLORIDA

Sections 722.652 (a), 722.676 (c), 722.677 (g), 722.680 (c), 722.683 (a), 722.684, 722.1252 (a), 722.1276 (c), 722.1277 (g), 722.1280 (c), 722.1283 (a), and 722.1284: State Administrative Officer or Acting State Administrative Officer.

ILLINOIS

Sections 722.676 (c), 722.677 (g), 722.678, and 722.679: John N. Harms, Program Assistant; and Winstead R. Davie, Farmer Fieldman.

KENTUCKY

Sections 722.652 (a), 722.657 (b), 722.658 (a), 722.673 (b), 722.676 (c), 722.677 (g), 722.678, 722.680 (c), 722.683 (a), 722.684, 722.1252 (a), 722.1257 (b), 722.1258 (a), 722.1273 (b), 722.1276 (c), 722.1277 (g), 722.1278, 722.1280 (c), 722.1283 (a), and 722.1284: Roy C. Gray, Chairman, State ASC Committee; Ernest E. Bullock, Member, State ASC Committee; Samuel P. Tuggle, Member, State ASC Committee; Roger H. Karrick, Program Specialist; W. L. Rouse, State Administrative Officer; Kenneth A. Grogan, Fieldman; and Homer V. Yonts, Program Specialist.

MISSISSIPPI

Sections 722.652 (a), 722.657 (b), 722.658 (a), 722.677 (g), and 272.680 (c) State Administrative Officer or Acting State Administrative Officer.

MISSOURI

Sections 722.676 (c), 722.677 (g), 722.678, and 722.679: O. A. Knight, Member, State ASC Committee; Elmer Kinkade, Farmer Fieldman; and Robert Smola, Program Specialist.

NEW MEXICO

Sections 722.652 (a), 722.657 (b), 722.658 (a), 722.676 (c), 722.677 (g), 722.680 (c), 722.683 (a), 722.684, 722.1252 (a), 722.1258 (a), 722.1277 (g), and 722.1284: Dale H. Helsper, State Administrative Officer; and W. C. Hutchins, Jr., Program Specialist.

NORTH CAROLINA

Sections 722.658 (a), 722. 676 (c), 722.677 (g), and 722.680 (c) H. D. Godfrey, State Administrative Officer.

Sections 722.652 (a), 722.657 (b), 722.683 (a), and 722.684. H. C. Blaylock, Assistant Chief, Marketing Quota Section.

OKLAHOMA

Sections 722.658 (a), 722.676 (c), 722.677 (g), 722.680 (c), and 722.683 (a) Samuel A. Shelby, Chief, Production Adjustment Section; and B. B. Boatman, Program Specialist.

PUERTO RICO

Sections 722.1252 (a), 722.1257 (b), 722.1258 (a), 722.1273 (b), 722.1276 (c), 722.1277 (g), 722.1278, 722.1280 (c), 722.1283 (a) and 722.1284: G. Laguardia, Director, Caribbean Area ASC Office.

TENNESSEE

Sections 722.652 (a), 722.657 (b), 722.658 (a), 722.673 (b), 722.676 (c), 722.677 (g), 722.678, 722.680 (c), 722.683 (a) and 722.684: Joe H. Maupin, State Administrative Officer; Joe D. Ramsey, Program Specialist; and John E. Hudson, Assistant Program Specialist.

TEXAS

Sections 722.673 (b) and 722.1273 (b) O. C. Cowsert, Program Specialist; and J. E. Montgomery, Program Specialist.

Sections 722.676 (c), 722.677 (g), 722.680 (c), 722.684, 722.1276 (c), 722.1277 (g), 722.1280 (c) and 722.1284: G. C. Carothers, Jr., State Administrative Officer.

Sections 722.684 and 722.1284: G. C. Carothers, Jr., State Administrative Officer; H. H. Marshall, Program Specialist; E. R. Rollins, Program Specialist; and O. C. Cowsert, Program Specialist.

VIRGINIA

Section 722.673 (b) W. T. Powers, State Administrative Officer; J. S. Shackleton, Jr., Program Specialist; and J. Parker Lambeth, Jr., Marketing Quota Specialist.

Sections 722.676 (c), 722.677 (g), and 722.680 (c) W. T. Powers, State Administrative Officer; and J. S. Shackleton, Jr., Program Specialist.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply Secs. 301, 342–347, 361–368, 373, 374, 388, 52 Stat. 38, 56–59, 62–65, 68; 7 U. S. C. 1301, 1342–1347, 1361–1368, 1373, 1374, 1388)

Issued at Washington, D. C. this 23d day of September 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator.

[F. R. Doc. 55–7838; Filed, Sept. 28, 1955; 8:45 a. m.]

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY THE MISSISSIPPI STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

The Marketing Quota Regulations for the 1955 Crop of Peanuts (20 F. R. 3819) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393) provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)) which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Mississippi State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. There are set out below the sections of the regulations in which such authority appears and the person of the Agricultural Stabilization and Conservation to whom the authority has been redelegated.

MISSISSIPPI

Sections 729.653 (b) and (c), 729.657 (b) and (c), 729.659 (a), 729.661 (b) (2), and 729.662 (d) State Administrative Officer or Acting State Administrative Officer, of the Office of the State ASC Committee.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68 as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388)

Issued at Washington, D. C., this 23d day of September 1955.

[SEAL] WALTER C. BERGER,
Acting Administrator
Commodity Stabilization Service.

[F. R. Doc. 55–7839; Filed, Sept. 28, 1955; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. E-6351]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF ORDER AUTHORIZING TRANSMISSION OF ELECTRIC ENERGY FROM UNITED STATES TO MEXICO

SEPTEMBER 23, 1955.

Notice is hereby given that on September 13, 1955, the Federal Power Commission issued its order adopted September 8, 1955, authorizing transmission of electric energy from the United States to Mexico, and superseding previous authorization in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7854; Filed, Sept. 28, 1955; 8:48 a. m.]

[Docket No. G-3862]

COLORADO INTERSTATE GAS CO.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

SEPTEMBER 23, 1955.

Notice is hereby given that on September 13, 1955, the Federal Power Commission issued its order adopted September 8, 1955, in the above-entitled matter, permitting withdrawal of application for a certificate of public convenience and necessity to authorize the sale of natural gas to Northern Natural Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7862; Filed, Sept. 28, 1955; 8:49 a. m.]

[Docket No. G-4573 etc.]

STEWART M. VOCHEL ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

SEPTEMBER 22, 1955.

In the matters of Stewart M. Vochel, Trustee, Ellis Properties, Docket No. G–4573; Finch and Snider O. & G. Co., Docket Nos. G–4574 and G–4575; Ferrytown Gas Co., Docket No. G–5754; Brooks Gas Co., Docket No. G–5755; Marvel Gas Company, Docket No. G–5756; Curry Gas Co., Docket No. G–5757 and G–5758; Sweetland Land and Mineral Co., Docket No. G–6014 and G–6016; Haught Gas Co., Docket No. G–6221, Mrs. Clara B. Guthrie, Docket No. G–6395; Truman E. Gore & John S. Secret, DBA Truman E. Gore, et al., Docket No. G–6418; Riverhead Gas Co., Docket No. G–6419; Lloyd G. Jackson, Agent, Docket No. G–6420; The Mower Lumber Co., Docket No. G–6422; Mud River Gas Co., Docket No. G–6423; Alex T. Hunt, Docket No. G–6436; Western Pocahontas Corp., Docket No. G–6443; Rich Oil and Gas Co., Docket No. G–6446; Monarch Gas Co., Docket No. G–6455; Bec Gas Co., Docket No. G–6456; Cantes Gas Co., Docket No. G–6460; Mandell Gas Co., Docket No. G–6461.

Take notice that there have been filed with the Federal Power Commission applications for certificates of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing the respective applicants to render service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection.

The above-named applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below:

Docket No.	Location of Well	Purchaser
G-4573	Troy District, Gilmer County, W. Va.	South Penn Natural Gas Co.
G-4574 and G-4575	Tom Mills District, Harrison County, W. Va.	Do.
G-5754	McCarmes District, Carroll County, W. Va.	Do.
G-5755	Union District, Lincoln County, W. Va.	Do.
G-5756	McCarmes District, Carroll County, W. Va.	Do.
G-5757 and G-5758	do	Do.
G-6014	Sheridan District, Lincoln County, W. Va.	Do.
G-6016	Union District, Lincoln County, W. Va.	Do.
G-6221	Murphy District, Roane County, W. Va.	Do.
G-6395	Monroe Field, Ouachita Parish, La.	Panola Interests.
G-6418	G. C. Jew, J. [illegible] Grant District, Ritchie County, W. Va.	Union Carbon Co.
G-6419	Turtle Creek, Washington District, Roane County, W. Va.	Consumers Gas Utility Co.
G-6420	Big Hearts Creek, Clayton-Duff District, Logan County, W. Va.	South Penn Natural Gas Co.
G-6422	Gauley River, Mountain Cove District, Fayette County, W. Va.	United Fuel Gas Co.
G-6423	Jefferson District, Lincoln County, W. Va.	Columbia Carbon Co.
G-6436	Monroe Field, Ouachita La.	South Penn Natural Gas Co.
G-6443	Logan County, W. Va.	Union Carbon Co.
G-6446	Ritchie County, W. Va.	Home Natural Gas Co.
G-6455	Wayne County, W. Va.	Dominion Gas Co.
G-6456	do	United Fuel Gas Co.
G-6460	Putnam County, W. Va.	Do.
G-6461	Wayne County, W. Va.	Do.
		Do.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on October 27, 1955 at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 12, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate

decision procedure in cases where a request therefor is made. Under the procedure provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-7852; Filed, Sept. 28, 1955; 8:47 a. m.]

[Docket No. G-6447 etc.]

RIP C. UNDERWOOD ET AL.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 23, 1955.

In the matters of Rip C. Underwood, Docket Nos. G-6447 and G-6448; South Penn Natural Gas Company, Docket No. G-7004, Earl Goodwin et al., Docket No. G-7022.

Notice is hereby given that on September 12, 1955, the Federal Power Commission issued its findings and orders adopted September 8, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F R. Doc. 55-7855; Filed, Sept. 28, 1955; 8:48 a. m.]

[Docket No. G-8519]

ASSOCIATED OIL & GAS CO.

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES

SEPTEMBER 23, 1955.

Notice is hereby given that on September 15, 1955, the Federal Power Commission issued its order adopted September 14, 1955, making effective proposed rate changes upon filing of bond to assure refund of excess charges in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7857; Filed, Sept. 28, 1955; 8:48 a. m.]

[Docket Nos. G-8600, G-8610]

CENTRAL KENTUCKY NATURAL GAS CO., AND UNION LIGHT, HEAT AND POWER CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

SEPTEMBER 22, 1955.

In the matters of Central Kentucky Natural Gas Company, Docket No. G-8600; Union Light, Heat and Power Company, Docket No. G-8610.

Take notice that on March 17, 1955, applications were filed with the Federal Power Commission, pursuant to section 7 (b) and (c) of the Natural Gas Act, as hereinafter set forth, for authorization to abandon, acquire, construct, and operate natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications now on file with the Commission and open to public inspection.

Central Kentucky Natural Gas Company (Central) a Kentucky corporation with its principal place of business at Charleston, West Virginia, filed an application in Docket No. G-8600 for a certificate of public convenience and necessity authorizing the abandonment by sale of certain of its facilities to Union Light, Heat and Power Company and to Cincinnati Gas and Electric Company, and the construction of certain additional facilities to deliver more gas to the Cincinnati area, served by Union and Cincinnati with gas purchased from Central.

Union Light, Heat and Power Company (Union), a Kentucky corporation with its principal place of business at Covington, Kentucky, filed an application in Docket No. G-8610 for a certificate of public convenience and necessity authorizing it to acquire and operate that portion of the facilities to be sold to it by Central and to operate a portion of the new facilities to be built by Central.

Central proposes to abandon by sale and Union proposes to acquire by purchase Lines A, AM-1, and AM-2 now owned by Central and located on the Kentucky side of the Ohio River opposite Cincinnati, which lines are now being operated by Union to deliver gas to the markets of Union and Cincinnati Gas and Electric Company (parent of Union) These lines include 10 miles of 20-inch pipe plus two multiple crossings of the Ohio River, one multiple crossing of the Licking River, and the Johns Hill Measuring Station, all in Campbell and Kenton Counties, Kentucky.

Central also proposes to build 14.2 miles of new 24-inch line AM-7 connecting its A-system in Kentucky with the western portion of the City of Cincinnati, giving Cincinnati a fourth delivery point. Since this new line will also be located in Union's distribution area, it will also be operated by Union to transport gas to Cincinnati for Central as well as for distribution to Union's customers.

In addition, Central proposes to build and operate 6.9 miles of 20-inch line looping its existing 14-inch line from a connection with Gulf Interstate Gas Company near Menifee, Kentucky, to its Means Compressor Station and to add 1,980 additional horsepower at Means by supercharging 4 existing 880-horsepower units to 1.100 horsepower and transferring one 880-horsepower unit from Menifee Station to Means and supercharging it also to 1,100-horsepower. The 880-horsepower unit at Menifee is no longer needed there for the development of the Menifee Storage Pool and Central requests permission to abandon the unit at Menifee. All these new facilities are designed to enable Central to transport volumes of gas to be received principally from the Gulf Interstate line to the Cincinnati area without disturbing the existing arrangements for delivery of gas by Tennessee Gas Transmission Company to United Fuel Gas Company and to Central for United's account.

The estimated capital cost of Central's new facilities is $2,474,100, which it proposes to finance by the sale of securities to Columbia, its parent.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on November 2, 1955, at 9:30 a. m., e. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* that the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's Rules of Practice and Procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure (18 CFR 1.8 or 1.10) on or before October 10, 1955. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7853; Filed, Sept. 28, 1955; 8:48 a. m.]

[Docket No. G-8661 etc.]

TENNESSEE GAS TRANSMISSION CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 23, 1955.

In the matters of Tennessee Gas Transmission Company, Docket No. G-8661, Algonquin Gas Transmission Company, Docket No. G-9009· Lenoir M. Josey, Inc., Houston Oil Well Service Company, R. A. Josey Estate, Pine Lodge Oil Company, Inc., Docket No. G-8709; Jack S. Josey, M. F Brown, N. E. Payne, Jack W Craig, Robert H. Park, W R. Donaho, The Texas Company, Docket No. G-8718.

Notice is hereby given that on September 13, 1955, the Federal Power Commission issued its findings and orders adopted September 8, 1955, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55-7863; Filed, Sept. 28, 1955; 8:49 a. m.]

[Docket No. G-9130]

BARNEY TRULIAN HEIRS LEASE

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 23, 1955.

Notice is hereby given that on September 20, 1955, the Federal Power Commission issued its findings and order adopted September 14, 1955, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7858; Filed, Sept. 28, 1955; 8:48 a. m.]

[Docket No. G-9145]

CITY OF MORGANFIELD, KENTUCKY

NOTICE OF APPLICATION

SEPTEMBER 23, 1955.

Take notice that The City of Morganfield, Kentucky (Applicant) a municipal corporation of the State of Kentucky, filed an application on July 18, 1955, for an order, pursuant to section 7 (a) of the Natural Gas Act, directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities with the facilities to be installed by Applicant and to sell natural gas to Applicant for the purpose of supplying, transmitting and delivering natural gas to the citizens of Morganfield, Kentucky, and its environs, as hereinafter described, all as more represented in the application, which is now on file with the Commission and open to public inspection.

Applicant states that the proposed service area has a population of about 4,200, presently without the benefits of natural gas, and is located in Union County, Kentucky, and about 15 miles westerly from the Texas Gas Dixie Storage Field. Dixie Storage Field is about 9 miles from the Texas Gas Madisonville-Newberg 10-inch transmission line and Texas Gas owns a 6-inch natural gas line running from said Madisonville-Newberg 10-inch line westerly to the Dixie Storage Field.

Applicant further states that a tentative agreement has been entered into whereby Applicant would purchase from Texas Gas said 6-inch line for the sum of $25,000 and Applicant will construct a 4-inch spur or transmission line from said 6-inch line to Applicant's proposed distribution facilities.

Applicant's estimated maximum daily demands for the third year will not exceed 1600 Mcf and for the fifth year will not exceed 1800 Mcf.

Protests or petitions to intervene may be filed with the Commission in accordance with Sections 1.8 and 1.10 of its Rules of Practice and Procedure (18 CFR 1.8 and 1.10) on or before October 7, 1955.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7859; Filed, Sept. 28, 1955; 8:48 a. m.]

[Docket No. G-9197]

WEST OHIO GAS CO.

NOTICE OF DECLARATION OF EXEMPTION

SEPTEMBER 23, 1955.

Notice is hereby given that on September 15, 1955, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act adopted September 14, 1955, in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7860; Filed, Sept. 28, 1955; 8:49 a. m.]

[Docket No. G-9335]

AMERADA PETROLEUM CORP.

ORDER SUSPENDING PROPOSED CHANGE IN RATES

Amerada Petroleum Corporation (Applicant), on August 25, 1955, tendered for filing a proposed change in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of Change, dated Aug. 18, 1955.	Texas Illinois Natural Gas Pipeline Co.	Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 8.	Sept. 23, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 8 includes a proposed periodic increase in rates resulting from renegotiation of price plus proportionate increase in Texas production tax based on a 9 percent rate.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, insofar as the designated supplement pertains to a periodic increase in rates for gas sold, and that the above-designated supplement to that extent be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and pending such hearing and decision thereon, the above-designated supplement, insofar only as it pertains to proposed periodic increase in rates for gas sold, be and the use thereof deferred until February 25, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 21, 1955.

Issued: September 23, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7861; Filed, Sept. 23, 1955; 8:49 a. m.]

[Docket No. G-9383]

C. N. HOUSH, ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

C. N. Housh, et al. (Applicant) on August 22, 1955, tendered for filing a proposed change in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed change, which constitutes increased rates and charges, is contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date[1]
Notice of Change undated....	Texas Illinois Natural Gas Pipeline Co.	Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 1.	Sept. 22, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 1 includes a proposed reduction in rate effective September 1, 1955, to reflect the decrease in Texas gas production tax, as well as a proposed periodic increase in rates for gas sold.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning

the lawfulness of the said proposed change, and that the above-designated supplement, only insofar as the designated supplement pertains to a periodic increase in rates for gas sold, be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed change in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement, only insofar as it pertains to proposed periodic increase in rates for gas sold, be and the same hereby is suspended and the use thereof deferred until February 22, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by Sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 21, 1955.

Issued: September 22, 1955.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7851; Filed, Sept. 28, 1955; 8:47 a. m.]

[Docket No. G-9386]

ARKANSAS FUEL OIL CORP., OPERATOR

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Arkansas Fuel Oil Corporation, Operator (Applicant) on August 29, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of Change, dated Aug. 23, 1955.	Texas Eastern Transmission Corp.	Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 48.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 21, 1955.

Issued: September 23, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7865; Filed, Sept. 28, 1955; 8:49 a. m.]

[Docket No. G-9387]

MIDSTATES OIL CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Midstates Oil Corporation (Applicant) on August 29, 1955, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing, which is proposed to become effective on the date shown:

Description	Purchaser	Rate schedule designation	Effective date [1]
Notice of Change, dated Aug. 25, 1955.	United Fuel Gas Co.	Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 36.	Nov. 1, 1955

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

[1] Commissioner Digby dissenting.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General Rules and Regulations (18 CFR Chapter I) a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until April 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Interested State commissions may participate as provided by sections 1.8 and 1.37 (f) of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.37 (f))

Adopted: September 21, 1955.

Issued: September 23, 1955.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 55-7866; Filed, Sept. 28, 1955; 8:50 a. m.]

[Project No. 2167]

GREENWOOD COUNTY POWER COMMISSION

NOTICE OF ORDER ISSUING MINOR-PART LICENSE (TRANSMISSION LINE)

SEPTEMBER 23, 1955.

Notice is hereby given that on September 19, 1955, the Federal Power Commission issued its order adopted September 14, 1955, issuing minor-part license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R Doc. 55-7861; Filed, Sept. 28, 1955; 8:49 a. m.]

[Project No. 2173]

PACIFIC NORTHWEST POWER CO.

NOTICE OF APPLICATION FOR LICENSE

SEPTEMBER 23, 1955.

Public notice is hereby given that Pacific Northwest Power Company, of Portland, Oregon, has filed application

under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2173, to be known as the Mountain Sheep-Pleasant Valley Hydro-Electric Project and located on the Snake River in Adams and Idaho Counties, Idaho, and Wallowa County, Oregon, and to consist of two developments: (1) The proposed Mountain Sheep Hydro-Electric Development, to consist of a concrete gravity dam with maximum height of about 255 feet in sec. 30, T. 29 N., R. 3 W., B. M., Idaho, and sec. 18, T. 4 N., R. 49 E., W. M., Oregon, with top of dam at elevation 1,123.5 feet having a spillway crest at elevation 1,064 feet surmounted by four tainter gates; creating a reservoir extending 20.2 miles to the proposed Pleasant Valley Hydro-Electric Development, having a gross capacity of about 115,000 acre-feet at normal pool elevation 1,113 feet; a powerhouse at the toe of the dam with initial installation of three turbines each rated at 130,000 horsepower and direct-connected to outdoor type generators rated at 94,000 kilowatts (0.95 P. F.) each with provision for future installation of a fourth unit; a substation and appurtenant facilities; and (2) the proposed Pleasant Valley Hydro-Electric Development, to consist of a concrete arch dam having a maximum height of about 534 feet in sec. 29, T. 27 N., R. 1 W., B. M., Idaho, and sec. 17, T. 2 N., R. 51 E., W M., Oregon, with top of dam at elevation 1,509 feet provided with a center gated overflow spillway section having four tainter gates on its crest flanked by two non-gated overflow sections with crests at elevations 1,471.5 feet and 1,490 feet (normal full pool) respectively· creating a reservoir extending 34.3 miles upstream to the tailwater of the Hells Canyon dam site containing a gross capacity of about 928,000 acre-feet at normal pool elevation 1,490 feet; penstocks extending from the intake structure at the upstream face of the dam to units at the two power plants; two powerhouses, one on each side of the river immediately downstream, the right bank (Idaho) powerhouse with initial installation of two turbines each rated at 187,000 horsepower and direct-connected to outdoor type generators rated at 144,000 kilowatts (0.95 P. F.) each with provision for a future unit, the left bank (Oregon) powerhouse with installation of three turbines each rated at 137,000 horsepower and direct-connected to outdoor type generators rated at 144,000 kilowatts (0.95 P. F.) each; a substation and appurtenant facilities. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Rules of Practice and Procedure of the Commission (18 CFR 1.8 or 1.10) the time within which such petitions must be filed being specified in the rules. The last date upon which protests may be filed is November 4, 1955. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 55–7856; Filed, Sept. 28, 1955; 8:48 a. m.]

FARM CREDIT ADMINISTRATION

Federal Farm Mortgage Corporation

NEBRASKA

DISPOSAL OF MINERAL INTERESTS; REVISED AREA DESIGNATION

For the purpose of the mineral disposal program of the Federal Farm Mortgage Corporation, pursuant to Public Law 760, 81st Congress, Dodge County, Nebraska, is hereby determined to be a Fair Market Value Area (area in which mineral interests are to be sold for their fair market value) instead of a One Dollar Area (area in which mineral interests covered by a single application are to be sold for a consideration of $1.00)

(Sec. 3, 64 Stat. 769; Sec. 7 (a), 67 Stat. 393)

[SEAL] E. C. JOHNSON,
Executive Vice President,
Federal Farm Mortgage Corporation.

Approved at Washington, D. C., on September 23, 1955.

B. F. VIEHMANN,
Acting Governor
Farm Credit Administration.

[F. R. Doc. 55–7850; Filed, Sept. 28, 1955; 8:47 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6179]

MOHAWK AIRLINES, INC., SYRACUSE-NEW YORK CITY CASE

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Mohawk Airlines, Inc., for the amendment of its certificate of public convenience and necessity for Route No. 94.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on October 4, 1955, at 10:00 a. m. (Eastern Standard Time) in Room E–206, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Herbert K. Bryan.

Dated at Washington, D. C., September 26, 1955.

[SEAL] FRANCIS W. BROWN,
Chief Examiner

[F. R. Doc. 55–7885; Filed, Sept. 28, 1955; 8:53 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-961]

INVESTORS SELECTIVE FUND, INC.

NOTICE OF FILING OF APPLICATION REQUESTING EXTENSION OF TIME TO FILL VACANCY ON BOARD OF DIRECTORS

SEPTEMBER 23, 1955.

Notice is hereby given that Investors Selective Fund, Inc. ("Investors"), a registered open-end management investment company has filed an application pursuant to section 10 (e) of the Investment Company Act of 1940 ("Act") for an order thereunder extending the time within which to fill a vacancy on the Board of Directors of Investors.

Section 10 (b) (2) of the act provides that no registered investment company shall use as a principal underwriter of its securities any director, officer, or employee of such registered company or any person of which any such director, officer, or employee is an affiliated person, unless a majority of the Board of Directors of such registered company shall be persons who are not such principal underwriters or affiliated persons of any of such principal underwriters. Section 10 (e) of the act provides, in pertinent part, that if by reason of bona fide resignation of any director the requirements of section 10 (b) (2) shall not be met, the operation of the provisions of said section shall be suspended for a period of 30 days if the vacancy may be filled by action of the Board of Directors of such registered investment company or for such longer period as the Commission may prescribe by order upon application, as not inconsistent with the protection of investors.

It is recited in the application that immediately prior to the regular directors' meeting held on September 7, 1955, the Board of Directors of the applicant consisted of nine persons, of whom four were affiliated with the principal underwriter for the applicant, Investors Diversified Services, Inc., and five persons were not so affiliated. Included among the latter group was Dr. Arthur C. Strachauer. At the meeting of directors held on September 7, 1955, Dr. Strachauer, without advance notice, submitted his resignation effective immediately for imperative reasons of health. The resignation was accepted and as a consequence, the composition of the Board of Directors of the Applicant does not meet the requirements of section 10 (b) (2) of the Act. It is stated in the application that the Certificate of Incorporation of Investors provides that a vacancy in the Board of Directors arising by reason of death, resignation, or otherwise, shall be filled for the unexpired term by a majority vote of the remaining directors. It is further stated that the by-laws require a majority of the directors as a quorum at any regular or special meeting of the Board of Directors.

It is represented that the next regular meeting of the Board of Directors is scheduled for November 3, 1955, that prior to the date of such meeting several of the directors will be traveling abroad and that the applicant has been unable to arrange for a quorum of directors to be present at any special meeting which can be scheduled within 30 days after September 7, 1955, the effective date of Dr. Strachauer's resignation. It is anticipated that a quorum will be present at the scheduled meeting of November 3, 1955, but in order to provide for any emergency, applicant has requested an extension of the 30 day period contained in section 10 (e) for an additional 45 days.

Notice is further given that any interested person may, not later than October 6, 1955, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be

held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the Rules and Regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F R. Doc. 55-7867; Filed, Sept 28, 1955; 8:50 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

INGENIOR KAI PETERSEN FOND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ingenior Kai Petersen Fond Dano, Buddinge Værk, Soborg, Copenhagen, Denmark, Claim No. 37628, Vesting Order No. 664; property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 2,198,737; 2,200,677; 2,216,500; 2,241,734; and 2,252,520.

Executed at Washington, D. C., on September 21, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 55-7872; Filed, Sept. 28, 1955; 8:51 a. m.]

SUSI LULEY ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Susi Luley, Amsterdam, Holland, Claim No. 42739, $435.07 in the Treasury of the United States; Claim No. 60752, $135.96 in the Treasury of the United States. Jim Herman Simmons, Petersburg, Virginia, $45.32 in the Treasury of the United States. Hans Ludwig Simmons, as guardian for the minor, Barbara Elizabeth Simmons, Petersburg, Virginia, $45.32 in the Treasury of the United States. Hans Ludwig Simmons, as guardian for the minor, Angelica Simmons, Petersburg, Virginia, $45.32 in the Treasury of the United States; Claim No. 60752, Vesting Order No. 3950.

Executed at Washington, D. C. on September 21, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 55-7873; Filed, Sept. 28, 1955; 8:51 a. m.]

SIGMUND WASSERMAN ANb ERNEST SCHAEFER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Sigmund Wasserman and Ernest Schaefer, Co-Executors of the Will of Hermann Frenkel, deceased; 40-54 Utopia Parkway, Flushing 58, New York and London, England, Claim No. 61542, Vesting Order No. 17059; $2,504.63 in the Treasury of the United States.

Executed at Washington, D. C., on September 21, 1955.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director,
Office of Alien Property.

[F R. Doc. 55-7874; Filed, Sept. 28, 1955; 8:51 a. m.]